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# POPE FRANCIS AND THE VOCATION OF THE LAWYER: REFLECTIONS ON SERVICE AND RESPONSIBILITY

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“I assure you that I will continue to be close to you in your demanding work in serving man in the field of justice. There is no doubt that, for those among you who are called to live the Christian vocation of your Baptism, this is a privileged and dynamic field of world evangelization. For all, even those of you who are not Christian, there is a need in every case for the assistance of God, who is the source of all reason and justice.”<sup>1</sup>

“In many areas in our lives we trust others who know more than we do. We trust . . . the lawyer who defends us in court.”<sup>2</sup>

“Justice is not done in the abstract, but in always considering man in his true value, as a being created in the image of God and called to realize likeness to Him here on earth.”<sup>3</sup>

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<sup>†</sup> Professor of Law and Vice Provost for Policy, The Catholic University of America. I had a chance to explore the issues discussed here at an April 29, 2015 panel discussion sponsored by the Fordham Law School Institute on Religion, Law & Lawyer’s Work. I am grateful to my fellow panelists and to those who attended that program for the insights that they contributed to my thoughts on these questions. In addition, while this Article has been prepared in advance of Pope Francis’ visit to the United States in September 2015, I anticipate that during his visit—particularly in his meeting with the President of the United States, his address to a joint session of Congress, his address to the United Nations General Assembly, and his prison visit—Pope Francis will elaborate on and develop more fully a number of the themes that he has already expressed with respect to the role of law and the state of justice in our modern society. This Article initially appeared in the September 2015 edition of the *St. John’s Law Review Commentary* at <https://sjlrevtest.files.wordpress.com/2015/01/commentary-september-2015.pdf>.

<sup>1</sup> Pope Francis, *Address of Pope Francis to the Delegates of the International Association of Penal Law*, VATICAN (Oct. 23, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco\\_20141023\\_associazione-internazionale-diritto-penale.html](https://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141023_associazione-internazionale-diritto-penale.html) [hereinafter Oct. 23, 2014 *Address*].

<sup>2</sup> POPE FRANCIS, ENCYCLICAL LETTER *LUMEN FIDEI* ¶ 18 (2013) [hereinafter *LUMEN FIDEI*], available at [https://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20130629\\_encyclica-lumen-fidei.pdf](https://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20130629_encyclica-lumen-fidei.pdf).

## INTRODUCTION

Through the years, Catholic lawyers have had many opportunities and invitations to reflect on their profession as a vocation due to the guidance that can be found in Sacred Scripture,<sup>4</sup> the examples of saints who were themselves members of the legal profession,<sup>5</sup> the teachings of church leaders,<sup>6</sup> and the insights of religious writers on the vocation of the lawyer,<sup>7</sup> to name but a few.

More recently, Pope Francis has also offered guidance as to what a life in the law might mean and what might characterize the vocation to practice law today. This guidance is not to be found in a single speech or writing that he has directed toward lawyers. Rather, examining comments that Pope Francis has made through the years in different contexts to diverse audiences reveals his vision of the lawyer's vocation—a complex vocation of service and responsibility.<sup>8</sup>

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<sup>3</sup> Pope Francis, *Address of His Holiness Pope Francis to Members of the High Council of the Judiciary*, VATICAN (June 13, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/june/documents/papafrancesco\\_20150613\\_csm.html](http://w2.vatican.va/content/francesco/en/speeches/2015/june/documents/papafrancesco_20150613_csm.html) [hereinafter June 13, 2015 *Address*].

<sup>4</sup> See *LUMEN FIDEI*, *supra* note 2, at 37–38.

<sup>5</sup> The best known of these saints is St. Thomas More, commonly invoked as the patron saint of attorneys. Other well-known saints who were attorneys include Saints Raymond of Penyafort, Francis de Sales, Thomas Becket, Charles Borromeo, Alphonsus, Andrew Avellino, and John of Capistrano, to name a few. For further reading, see generally JOHN T. AQUINO, *SAINTS FOR LAWYERS* (2007).

<sup>6</sup> See, e.g., John F. Coverdale, *The Legacy of John Paul II to Lawyers*, 36 SETON HALL L. REV. 1 (2005) (exploring teachings of Pope Saint John Paul II with relevance to legal professionals).

<sup>7</sup> See, e.g., JOSEPH G. ALLEGRETTI, *THE LAWYER'S CALLING: CHRISTIAN FAITH AND LEGAL PRACTICE* (1996); MICHAEL P. SCHUTT, *REDEEMING LAW: CHRISTIAN CALLING AND THE LEGAL PROFESSION* (2007); Timothy W. Floyd, *The Practice of Law as a Vocation or Calling*, 66 FORDHAM L. REV. 1405 (1998).

<sup>8</sup> It is the goal of this Article to explore the vocation of the lawyer—and the associated question of the role of law—by analyzing Pope Francis' own writings, of which there are many, rather than to secondarily comment on his thoughts. Thus, it focuses primarily on his speeches and writings since he became Pope, as well as some of his writings as Cardinal Jorge Bergoglio of Buenos Aires. His writings and speeches prior to his election to the See of Peter have been compiled in a number of anthologies. See generally JORGE MARIO BERGOGLIO & ABRAHAM SKORKA, *ON HEAVEN AND EARTH: POPE FRANCIS ON FAITH, FAMILY, AND THE CHURCH IN THE TWENTY-FIRST CENTURY* (Alejandro Bermudez & Howard Goodman trans., Image 2013) (2010); POPE FRANCIS, *THE CHURCH OF MERCY: A VISION FOR THE CHURCH* (Loyola Press 2014) (2014); POPE FRANCIS, *ENCOUNTERING CHRIST: HOMILIES, LETTERS, AND ADDRESSES OF CARDINAL JORGE BERGOGLIO* (2013); POPE FRANCIS, *ONLY LOVE CAN SAVE US: LETTERS, HOMILIES, AND TALKS OF CARDINAL JORGE BERGOGLIO* (Gerard Seromik trans.) (2013); POPE FRANCIS, *THE PEOPLE WISH TO*

To understand what Pope Francis may think of the lawyer's vocation, it is important to begin by understanding his view of law itself. Only then is it possible to understand the guidance he offers to those whose professional life is devoted to law. Thus, this Article begins with an exploration of Pope Francis and the law itself—its benefits, its risks, its dangers, and its potential for good. After considering this broad context, it will be possible to explore, more specifically, what he has to say about the vocation of the lawyer, its promise, and its challenges.

### I. POPE FRANCIS AND THE LAW: PROMISE AND PERIL

“To obtain good and honest conduct, legal rules are not enough. We need a deep motivation, an expression of a hidden wisdom, God's wisdom, which can be received through the Holy Spirit.”<sup>9</sup>

Turning first to an exploration of Pope Francis' view of law, it is obvious that he expresses a powerful ambivalence about law—best analogized, perhaps, to the ambivalence that one might have toward fire or water. Both of these elements are highly beneficial and, plainly, necessary to the very existence of the human person, both individually and collectively. However, if misused or uncontrolled, they can quickly turn from their good purpose and become destructive and deadly. In a similar way, at

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SEE JESUS: REFLECTIONS FOR THOSE WHO TEACH (Michael O'Hearn trans.) (2014). However, many other commentators have written about Pope Francis and the factors that may shape his attitude toward politics and law. Many point to his unique background in South America as a source of a different perspective, while others explore the impact of his Jesuit roots and his many years as the leader of the diocese of Buenos Aires. See, e.g., AUSTEN IVEREIGH, THE GREAT REFORMER: FRANCIS AND THE MAKING OF A RADICAL POPE (2014); Bruce Duncan, *Pope Francis's Call for Social Justice in the Global Economy*, 91 THE AUSTRALASIAN CATH. REC. 178 (2014); Roland Flamini, *Peter and Caesar: Is Pope Francis Shifting the Vatican's Worldview?*, WORLD AFFAIRS, July–Aug. 2014, available at <http://www.worldaffairsjournal.org/article/peter-and-caesar-pope-francis-shifting-vatican's-worldview>; Richard Lennan, *Evangelii Gaudium: The Good News from Pope Francis*, 48 COMPASS 3 (2014). Undoubtedly, many more commentaries on Pope Francis, law, and public policy will be written in the wake of his visit to the United States as observers analyze his comments to various audiences during the many and diverse public appearances scheduled for his visit.

<sup>9</sup> Pope Francis, *Angelus*, VATICAN (Feb. 16, 2014), [http://w2.vatican.va/content/francesco/en/angelus/2014/documents/papa-francesco\\_angelus\\_20140216.pdf](http://w2.vatican.va/content/francesco/en/angelus/2014/documents/papa-francesco_angelus_20140216.pdf) (“Jesus does not give importance simply to disciplinary compliance and exterior conduct. He goes to the Law's roots focusing, first and foremost, on the intention and the human heart, from which our good and bad actions originate.”).

times, Pope Francis places a great deal of confidence in the ability of law—used correctly—to be a powerful agent for good by offering necessary protections and advancing the common good, as he believes it to be. Yet, perhaps even more often and more strongly, he cautions against the misuse or abuse of law, warning constantly of the dangers that may arise if it is wrongfully deployed. Obviously, given his status as a religious leader and not a civic ruler, many of Pope Francis' comments are made in the context of religious and not secular laws. There can easily be situations in which this is a distinction that makes a difference, and Pope Francis himself acknowledges the distinction between these two spheres of the religious and the worldly.<sup>10</sup> Nevertheless, even with this caveat, the analogies between the two spheres are often apt.

In defining what makes an ideally just law, Pope Francis has identified the following:

[A] need for just laws which are centred [sic] on the human person, uphold fundamental rights and restore those rights when they have been violated. Such laws should also provide for the rehabilitation of victims, ensure their personal safety, and include effective means of enforcement which leave no room for corruption or impunity.<sup>11</sup>

This description includes what most secular observers would also identify as a wise, well-written law: one that is designed to protect the vulnerable; one that recognizes that there are basic rights that any legal system must protect; one that is concerned with restorative justice; one that prospectively prevents harm; and one that is efficiently, effectively, and wisely enforced.

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<sup>10</sup> See Pope Francis, *Letter to a Non-Believer: Pope Francis Responds to Dr. Eugenio Scalfari*, VATICAN (Sept. 4, 2013), [http://w2.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco\\_20130911\\_eugenio-scalfari.pdf](http://w2.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco_20130911_eugenio-scalfari.pdf) (“While the Church is called to introduce the leaven and be the salt of the Gospel, that is, the love and mercy of God which reach all men and women, and which point to the heavenly and definitive goal of our destiny, it falls to civil society and political society to articulate and build a life which is more humane, through justice, solidarity, law and peace. For those who live their Christian faith, this does not mean either fleeing from the world or seeking dominance, but rather it denotes service to the person as a whole and to all peoples . . .”).

<sup>11</sup> Pope Francis, *Message of His Holiness Pope Francis for the Celebration of the World Day of Peace*, VATICAN (Jan. 1, 2015), [https://w2.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco\\_20141208\\_messaggio-xlviiii-giornata-mondiale-pace-2015.pdf](https://w2.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco_20141208_messaggio-xlviiii-giornata-mondiale-pace-2015.pdf) [hereinafter Jan. 1, 2015 *Message*].

Pope Francis cites the importance of national and international recognition of basic human rights—rights that are protected, albeit imperfectly, under the rule of law.<sup>12</sup> In this way, he follows a long tradition of viewing law as essential to articulating those basic minimums necessary for the protection of human dignity always and everywhere. Like nearly all commentators, he is not confident that merely enshrining human rights in written law is sufficient for their full realization.<sup>13</sup> Indeed, there are all too many current and historical examples in which protections exist in theory or on paper but are not

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<sup>12</sup> Pope Francis, *Address of Pope Francis to the European Parliament*, VATICAN (Nov. 25, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco\\_20141125\\_strasburgo-parlamento-europeo.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141125_strasburgo-parlamento-europeo.pdf) [hereinafter Nov. 25, 2014 *European Parliament Address*]. He says:

Recognition of the importance of human rights came about as a result of a lengthy process, entailing much suffering and sacrifice, which helped shape an awareness of the unique worth of each individual human person. . . .

Today, the promotion of human rights is central to the commitment of the European Union to advance the dignity of the person, both within the Union and in its relations with other countries. . . .

. . . .

Promoting the dignity of the person means recognizing that he or she possesses inalienable rights which no one may take away arbitrarily, much less for the sake of economic interests.

*Id.*; see also Pope Francis, *Address of Pope Francis to the Council of Europe*, VATICAN (Nov. 25, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco\\_20141125\\_strasburgo-consiglio-europa.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141125_strasburgo-consiglio-europa.pdf) [hereinafter Nov. 25, 2014 *Council of Europe Address*] (thanking the Council of Europe for its “contribution to peace in Europe through the promotion of democracy, human rights and the rule of law”); June 13, 2015 *Address*, *supra* note 3 (“[I]t is important that the public authorities, including the judicial authorities as well, use the space granted to them to provide stability and to render more solid the bases of human coexistence through the recovery of fundamental values.”); Pope Francis, *Meeting with the Civil Authorities: Address of Pope Francis*, VATICAN (Sept. 21, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco\\_20140921\\_albania-autorita.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco_20140921_albania-autorita.pdf) (“Respect for human rights . . . among which religious freedom and freedom of expression stand out, is the preliminary condition for a country’s social and economic development. When the dignity of the human person is respected and his or her rights recognized and guaranteed, creativity and interdependence thrive, and the potential of the human personality is unleashed through actions that further the common good.”).

<sup>13</sup> Recently, Pope Francis has lamented that “[w]e lack leadership capable of striking out on new paths and meeting the needs of the present with concern for all and without prejudice towards coming generations.” POPE FRANCIS, ENCYCLICAL LETTER *LAUDATO SI’*, ¶ 53, (2015) [hereinafter *LAUDATO SI’*], available at [http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_2015\\_0524\\_enciclica-laudato-si.pdf](http://w2.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_2015_0524_enciclica-laudato-si.pdf).

translated into a meaningful reality for the most vulnerable;<sup>14</sup> Pope Francis is keenly aware of this. Yet, he also recognizes that, in spite of these failures, without clear, enforced, and respected law, the most vulnerable will have nothing to support them when those most basic rights are violated.<sup>15</sup>

In this way, Pope Francis praises law's ability, in the negative sense, to prevent harm—or at least the most egregious of harms. In doing so, he asks, “What dignity can there be without a clear juridical framework which limits the rule of force and enables the rule of law to prevail over the power of tyranny?”<sup>16</sup> This question expresses a deep appreciation for good law as an irreplaceable bulwark against the ability of power to undermine precious and fragile human dignity and “respect for the human person as such, endowed with basic and inalienable rights ordered to his or her integral development.”<sup>17</sup>

In addition, and perhaps more controversially, Pope Francis places faith in the ability of the legal and political processes to play a positive and, indeed, expansive role in affirmative adoption of wide-scale plans, policies, and programs to remedy or ameliorate what he perceives to be pressing and urgent social and economic woes. For example, among other things, he advocates “policies which create employment,”<sup>18</sup> “adequate

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<sup>14</sup> See *LAUDATO SI'*, *supra* note 13, ¶ 142 (“A number of countries have a relatively low level of institutional effectiveness, which results in greater problems for their people while benefiting those who profit from this situation. Whether in the administration of the state, the various levels of civil society, or relationships between individuals themselves, lack of respect for the law is becoming more common. Laws may be well framed yet remain a dead letter.”); *id.* ¶ 179 (“[T]he enforcement of laws is at times inadequate due to corruption.”).

<sup>15</sup> See also SERGIO RUBIN & FRANCESCA AMBROGETTI, POPE FRANCIS: CONVERSATIONS WITH JORGE BERGOGLIO 254–55 (Laura Dail Literary Agency, Inc. trans., G.P. Putnam's Sons 2013) (2010) (“Human society cannot be governed by a ‘law of the jungle’ by which everyone tries to snatch what he can, at any cost. And we know, only too painfully, that there is no ‘automatic’ mechanism for ensuring fairness and justice. Only an ethical choice transformed into specific practices, with effective means, is capable of preventing man from falling prey to man.” (quoting then-Cardinal Jorge Bergoglio)); *LAUDATO SI'*, *supra* note 13, ¶ 53 (“The establishment of a legal framework which can set clear boundaries and ensure the protection of ecosystems has become indispensable, otherwise the new power structures based on the techno-economic paradigm may overwhelm not only our politics but also freedom and justice.”).

<sup>16</sup> Nov. 25, 2014 *European Parliament Address*, *supra* note 12.

<sup>17</sup> *LAUDATO SI'*, *supra* note 13, ¶ 157.

<sup>18</sup> Nov. 25, 2014 *Council of Europe Address*, *supra* note 12 (highlighting “the grave problem of labour, chiefly because of the high rate of young adults unemployed

legislation to protect the rights of European citizens and to ensure the acceptance of immigrants,<sup>19</sup> laws advancing “issues linked to the protection of human life,”<sup>20</sup> laws that safeguard just labor conditions,<sup>21</sup> laws that protect religious freedom,<sup>22</sup> a “halt to

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in many countries . . . but also for the issue of the dignity of work”); RUBIN & AMBROGETTI, *supra* note 15, at 18 (“[I]t’s very important that governments of all countries, through the relevant ministries and departments, cultivate a culture of work, not of charity.” (quoting then-Cardinal Jorge Bergoglio)); *see also* Pope Francis, *Address of His Holiness Pope Francis to H.E. Mr. Sergio Mattarella, President of the Republic of Italy*, VATICAN (Apr. 18, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/april/documents/papa-francesco\\_20150418\\_presidente-repubblica-italiana.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/april/documents/papa-francesco_20150418_presidente-repubblica-italiana.pdf) (“In a special way, the shortage of development for young people is becoming a cry of anguish which challenges the public powers . . . [I]t is essential that the young generations, through employment, have the opportunity to plan their future with peace of mind, freeing them from the precariousness and risk of giving in to deceptive and dangerous temptations. All those who hold positions of special responsibility thus have the primary task of addressing this problem with courage, creativity and generosity.”); Pope Francis, *General Audience*, VATICAN (Aug. 19, 2015), [http://w2.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco\\_20150819\\_udienza-generale.pdf](http://w2.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco_20150819_udienza-generale.pdf) (“I rejoice greatly when I see governments go to great lengths to find jobs and try to see to it that everyone has work.”).

<sup>19</sup> Nov. 25, 2014 *European Parliament Address*, *supra* note 12; *see also* Nov. 25, 2014 *Council of Europe Address*, *supra* note 12 (urging action on “the welcoming of migrants, who immediately require the essentials of subsistence, but more importantly a recognition of their dignity as persons”).

<sup>20</sup> Nov. 25, 2014 *Council of Europe Address*, *supra* note 12 (calling these issues “sensitive issues that demand a careful study which takes into account the truth of the entire human being, without being restricted to specific medical, scientific or juridic aspects”); *see also* BERGOGLIO & SKORKA, *supra* note 8, at 107 (“The right to life is the first human right. Abortion is killing someone that cannot defend himself.”); RUBIN & AMBROGETTI, *supra* note 15, at 109 (“[The battle against abortion is] part of the battle in favor of life from the moment of conception until a dignified, natural death. This includes care of the mother during pregnancy, the existence of laws to protect the mother postpartum, and the need to ensure that children receive enough food, as well as providing health care throughout the whole length of a life, taking good care of our grandparents, and not resorting to euthanasia.” (quoting then-Cardinal Jorge Bergoglio)). Pope Francis has also lamented, “A widespread and insensitive mentality has led to the loss of the proper personal and social sensitivity to welcome new life.” Pope Francis, *Letter of His Holiness Pope Francis According to Which an Indulgence Is Granted to the Faithful on the Occasion of the Extraordinary Jubilee of Mercy*, VATICAN (Sept. 1, 2015), [http://w2.vatican.va/content/francesco/en/letters/2015/documents/papa-francesco\\_20150901\\_lettera-indulgenza-giubileo-misericordia.pdf](http://w2.vatican.va/content/francesco/en/letters/2015/documents/papa-francesco_20150901_lettera-indulgenza-giubileo-misericordia.pdf) [hereinafter Sept. 1, 2015 *Letter*].

<sup>21</sup> *See* Pope Francis, *Participation at the Second World Meeting of Popular Movements: Address of the Holy Father*, VATICAN (July 9, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/july/documents/papa-francesco\\_20150709\\_bolivia-movimenti-popolari.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/july/documents/papa-francesco_20150709_bolivia-movimenti-popolari.pdf) (“Governments which make it their responsibility to put the economy at the service of peoples must promote the strengthening, improvement, coordination and expansion of these forms of popular economy and

the unjust aggression,<sup>23</sup> laws regulating the financial market,<sup>24</sup> legislation and policies that support families,<sup>25</sup> plans to defeat

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communitarian production. This entails bettering the processes of work, providing adequate infrastructures and guaranteeing workers their full rights in this alternative sector.”). He contrasts this with situations in “countries where labour regulations fail to comply with international norms and minimum standards, or, equally illegally, in countries which lack legal protection for workers’ rights.” Jan. 1, 2015 *Message*, *supra* note 11. He is also concerned with situations involving “those who, in order to remain within the law, agree to disgraceful living and working conditions, especially in those cases where the laws of a nation create or permit a structural dependency of migrant workers on their employers.” *Id.*

<sup>22</sup> See, e.g., Pope Francis, *Address of His Holiness Pope Francis to the Joint Committee of the Conference of European Churches (CEC)*, VATICAN (May 7, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/may/documents/papa-francesco\\_20150507\\_conferenza-chiese-europee.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/may/documents/papa-francesco_20150507_conferenza-chiese-europee.pdf) (critiquing “legislators who, in the name of some badly interpreted principle of tolerance, end up preventing citizens from freely expressing and practicing their own religious convictions in a peaceful and legitimate way”); Pope Francis, *Address of Pope Francis to Participants in the Conference on “International Religious Freedom and the Global Clash of Values”*, VATICAN (June 20, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/june/documents/papa-francesco\\_20140620\\_liberta-religiosa.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/june/documents/papa-francesco_20140620_liberta-religiosa.pdf) (“Legal systems, therefore, whether state or international, are called upon to recognize, guarantee and protect religious freedom, which is an intrinsic right inherent to human nature, to the dignity of being free, and is also a sign of a healthy democracy and one of the principal sources of the legitimacy of the State.”); Pope Francis, *Meeting with the Leaders of Other Religions and Other Christian Denominations: Address of Pope Francis*, VATICAN (Sept. 21, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco\\_20140921\\_albania-leaders-altre-religioni.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco_20140921_albania-leaders-altre-religioni.pdf) (“[R]eligious freedom is not a right which can be guaranteed solely by existing legislation, although laws are necessary.”).

<sup>23</sup> Pope Francis, *Letter of His Holiness Pope Francis to the Prime Minister of Australia on the Occasion of the G20 Summit*, VATICAN (Nov. 6, 2014), [http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco\\_20141106\\_lettera-abbott-g20.pdf](http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20141106_lettera-abbott-g20.pdf) [hereinafter Nov. 6, 2014 *Letter*]; see also Pope Francis, *Address of His Holiness Pope Francis to the Members of the Diplomatic Corps Accredited to the Holy See*, VATICAN (Jan. 12, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/january/documents/papa-francesco\\_20150112\\_corpo-diplomatico.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/january/documents/papa-francesco_20150112_corpo-diplomatico.pdf) (“[A] unanimous response [to unjust aggression in the Middle East] is needed, one which, within the framework of international law, can end the spread of acts of violence, restore harmony and heal the deep wounds which the ongoing conflicts have caused.”); Pope Francis, *Address of His Holiness Pope Francis to the Members of the Diplomatic Corps Accredited to the Holy See*, VATICAN (Jan. 13, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco\\_20140113\\_corpo-diplomatico.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco_20140113_corpo-diplomatico.pdf) (“[F]ull respect for humanitarian law remains essential. It is unacceptable that unarmed civilians, especially children, become targets.”); Pope Francis, *Letter of the Holy Father to the Secretary General of the United Nations Organization Concerning the Situation in Northern Iraq*, VATICAN (Aug. 9, 2014), [https://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco\\_20140809\\_lettera-ban-ki-moon-iraq.pdf](https://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140809_lettera-ban-ki-moon-iraq.pdf) (“The tragic experiences of the Twentieth Century, and the most basic understanding of human dignity, compels the international community, particularly through the norms and

hunger,<sup>26</sup> a multi-level legal response to environmental concerns,<sup>27</sup> initiatives to advance peace,<sup>28</sup> efforts to combat

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mechanisms of international law, to do all that it can to stop and to prevent further systematic violence against ethnic and religious minorities.”); Pope Francis, *Message of His Holiness Francis for the Celebration of the World Day of Peace: Fraternity, the Foundation and Pathway to Peace*, VATICAN (Jan. 1, 2014), [https://w2.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco\\_20131208\\_messaggio-xlvi-giornata-mondiale-pace-2014.pdf](https://w2.vatican.va/content/francesco/en/messages/peace/documents/papa-francesco_20131208_messaggio-xlvi-giornata-mondiale-pace-2014.pdf) [hereinafter Jan. 1, 2014 *Message*] (“We cannot . . . fail to observe that international agreements and national laws—while necessary and greatly to be desired—are not of themselves sufficient to protect humanity from the risk of armed conflict.”).

<sup>24</sup> See, e.g., Nov. 6, 2014 *Letter*, *supra* note 23 (“The international community . . . should also give thought to the need to protect citizens of all countries from forms of aggression that are less evident but equally real and serious. I am referring specifically to abuses in the financial system such as those transactions that led to the 2008 crisis, and more generally, to speculation lacking political or juridical constraints . . . .”); Pope Francis, *Letter of Holy Father Francis to H.E. Mr. David Cameron, British Prime Minister on the Occasion of the G8 Meeting*, VATICAN (June 15, 2013), [https://w2.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco\\_20130615\\_lettera-cameron-g8.pdf](https://w2.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco_20130615_lettera-cameron-g8.pdf) (“The long-term measures that are designed to ensure an adequate legal framework for all economic actions, as well as the associated urgent measures to resolve the global economic crisis, must be guided by the ethics of truth. This includes, first and foremost, respect for the truth of man, who is not simply an additional economic factor, or a disposable good . . . . [C]oncern for the fundamental material and spiritual welfare of every human person is the starting-point for every political and economic solution and the ultimate measure of its effectiveness and its ethical validity.”).

<sup>25</sup> See, e.g., Pope Francis, *Address of His Holiness Pope Francis to the National Numerous Family Association*, VATICAN (Dec. 28, 2014), [http://m.vatican.va/content/francesco/en/speeches/2014/december/documents/papa-francesco\\_20141228\\_famiglie-numerose.pdf](http://m.vatican.va/content/francesco/en/speeches/2014/december/documents/papa-francesco_20141228_famiglie-numerose.pdf) (“I therefore hope . . . for greater attention in policies and from public administrators at every level, in order to give the envisaged support to these [large] families.”); *id.* (arguing in favor of “fostering in society and in the laws of the State the values and needs of the family”).

<sup>26</sup> Pope Francis, *Message of Pope Francis for the World Food Day 2014*, VATICAN (Oct. 16, 2014), [https://w2.vatican.va/content/francesco/en/messages/food/documents/papa-francesco\\_20141016\\_messaggio-giornata-alimentazione.pdf](https://w2.vatican.va/content/francesco/en/messages/food/documents/papa-francesco_20141016_messaggio-giornata-alimentazione.pdf) (“To defeat hunger, it is not enough to meet the needs of those who are less fortunate or to help through aid and donations those who live in situations of emergency. It is instead necessary to change the paradigm of aid and of development policies, to modify international laws regarding the production and trade of agricultural products.”); see also Pope Francis, *Visit to FAO on the Occasion of the Second International Conference on Nutrition, Address of His Holiness Pope Francis*, VATICAN (Nov. 20, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco\\_20141120\\_visita-fao.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141120_visita-fao.pdf) [hereinafter Nov. 20, 2014 *Address*] (praising FAO’s “agenda for developing new standards, structures and greater commitments to feed the world”).

<sup>27</sup> See *LAUDATO SI'*, *supra* note 13, ¶ 173 (“Enforceable international agreements are urgently needed, since local authorities are not always capable of effective intervention. Relations between states must be respectful of each other’s sovereignty, but must also lay down mutually agreed means of averting regional

human trafficking,<sup>29</sup> and “legislation [that] truly respects the dignity of the human person in the areas of migration,

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disasters which would eventually affect everyone. Global regulatory norms are needed to impose obligations and prevent unacceptable actions, for example, when powerful companies or countries dump contaminated waste or offshore polluting industries in other countries.”). Relatedly, Pope Francis also expressed optimism about the ability of laws and regulations to forestall some of the environmental and human costs of the mining industry:

The entire mining sector is decisively called to effect a radical paradigm shift to improve the situation in many countries. To this change a contribution can be made by the governments of the home countries of multinational companies and of those in which they operate . . . [and] by the local authorities who oversee mining operations . . . .

Pope Francis, *Message of His Holiness Pope Francis to the President of the Pontifical Council for Justice and Peace on the Occasion of the Meeting “A Day of Reflection—United With God, We Hear a Cry,”* VATICAN (July 17, 2015), [http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco\\_20150717\\_messaggio-attivita-minerarie.pdf](http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco_20150717_messaggio-attivita-minerarie.pdf).

<sup>28</sup> Pope Francis, *Address of Pope Francis to the Bishops of the Episcopal Conference of Tanzania on Their Ad Limina Visit*, VATICAN (Apr. 7, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/april/documents/papa-francesco\\_20140407\\_ad-limina-tanzania.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/april/documents/papa-francesco_20140407_ad-limina-tanzania.pdf) (“I urge you also to work with government and civic institutions in this area so as to ensure that the rule of law prevails as an indispensable means for guaranteeing just and pacific social relations.”); Pope Francis, *Apostolic Journey of His Holiness Pope Francis to Sarajevo: Homily of the Holy Father*, VATICAN (June 6, 2015), [http://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco\\_20150606\\_omelia-sarajevo.pdf](http://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco_20150606_omelia-sarajevo.pdf) (“Peace is a work of justice. Here too: not a justice proclaimed, imagined, planned . . . but rather a justice put into practice, lived out.” (ellipsis in original) (emphasis omitted)).

<sup>29</sup> See, e.g., Pope Francis, *Angelus*, VATICAN (Feb. 8, 2015), [http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco\\_angelus\\_20150208.pdf](http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco_angelus_20150208.pdf) (“I encourage those who work helping the men, women and children who are enslaved, exploited, abused as instruments of work or pleasure, who are often tortured and mutilated. It is my hope that government leaders may work decisively to remove the causes of this disgraceful scourge, it is a scourge unworthy of society.”); see also Pope Francis, *Address of His Holiness Pope Francis to Participants in the Plenary Session of the Pontifical Academy of Social Sciences*, VATICAN (Apr. 18, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/april/documents/papa-francesco\\_20150418\\_plenaria-scienze-sociali.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/april/documents/papa-francesco_20150418_plenaria-scienze-sociali.pdf) (“[A]mong these most needy brothers and sisters are those who suffer from the tragedy of modern forms of slavery, from forced labour, slave labour, prostitution, organ trafficking, drugs. . . . [N]ew forms of slavery have developed, worse and more inhuman in a certain way, than those of the past. . . . [T]hese new forms of slavery . . . are extremely serious crimes . . . . All of society is called to grow in this awareness, especially with regard to national and international legislation, in order to be able to ensure that traffickers be brought to justice and their unjust earnings redirected for the rehabilitation of victims. We must seek the most suitable modalities to punish those who become complicit in this inhuman trade. We are called to improve the means of redress and the social inclusion of victims, also to update the regulations regarding the right to asylum. Civil authorities must be

employment, adoption, the movement of businesses offshore and the sale of items produced by slave labour.”<sup>30</sup> This agenda is, to be sure, an ambitious one for either domestic or international law to accomplish. Experience shows that it is difficult to do this wisely and well, particularly on a large scale among those that may be in conflict with each other. However, Pope Francis also sees potential for the law in promoting peace, singling out those who work as diplomats—a profession which includes many lawyers—for particular praise, saying, “[D]iplomacy is a very noble profession, a profession which brings people together, a profession for making peace.”<sup>31</sup>

Pope Francis’ advocacy for laws and legislation in such a vast field of subjects expresses his confidence in the ability of law to shape society and the economy for the good and on a large scale, arguing that “political and institutional frameworks do not exist simply to avoid bad practice, but also to promote best practice, to stimulate creativity in seeking new solutions and to encourage individual or group initiatives.”<sup>32</sup>

What he addresses far less often is the potential for harm that this may cause if the government—run, as are all institutions, by imperfect humans—becomes too far reaching or powerful. The greater the amount of authority allocated to the government, the greater the possibility that an immoral, unwise, or corrupt state, with the force of law behind it, could do great harm. In *Laudato Si’*, Pope Francis acknowledged that “when the culture itself is corrupt and objective truth and universally valid principles are no longer upheld, then laws can only be seen as arbitrary impositions or obstacles to be avoided.”<sup>33</sup> Thus, a

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increasingly aware of the seriousness of this tragedy, which constitutes a regression of humanity. And so often—so many times!—these new forms of slavery are protected by the institutions which should be protecting the population from these crimes.”).

<sup>30</sup> Jan. 1, 2015 *Message*, *supra* note 11.

<sup>31</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Darkness of the Heart*, VATICAN (Dec. 15, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141215\\_darkness-of-the-heart.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20141215_darkness-of-the-heart.pdf) [hereinafter Dec. 15, 2014 *Meditation*] (quoting Pope Francis) (internal quotation mark omitted) (originally printed in *L’OSSERVATORE ROMANO* on Dec. 19, 2014); see also *LAUDATO SI’*, *supra* note 13, ¶ 175 (“Diplomacy also takes on new importance in the work of developing international strategies which can anticipate serious problems affecting us all.”).

<sup>32</sup> *LAUDATO SI’*, *supra* note 13, ¶ 177.

<sup>33</sup> *Id.* ¶ 123.

corrupt culture can also corrupt law. Generally, however, Pope Francis' optimism focuses primarily on the positive potential of the law.

In another positive vein, in speaking of the law of God, not only does Pope Francis describe laws that can help achieve justice in this world, but he also teaches that there is potential for law, rightly ordered, to be a gift that can help those who follow it draw closer to God and to one another.<sup>34</sup> For example, when speaking of the Ten Commandments, he praises them as a “gift” and says that they offer “a path God points out to us towards a life which is truly free and fulfilling.”<sup>35</sup> He elaborates:

The commandments are not a litany of prohibitions—you must not do this, you must not do that, you must not do the other; on the contrary, they are a great “Yes!”: a yes to God, to Love, to life. Dear friends, our lives are fulfilled in God alone, because only he is the Living One!<sup>36</sup>

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<sup>34</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Fewer Words, More Deeds*, VATICAN (May 7, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150507\\_fewer-words-more-deeds.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150507_fewer-words-more-deeds.pdf) (originally printed in *L'OSSERVATORE ROMANO* on May 15, 2015) (“[W]hen that young doctor of the law came to Jesus and asked Him: ‘Tell me Lord, which is the great commandment in the law?’, Jesus spoke the law as it was: ‘You shall love your God with all your heart and with all your soul, and your neighbour as yourself.’” (quoting Pope Francis) (internal quotation marks omitted)).

<sup>35</sup> Pope Francis, *Holy Mass for Evangelium Vitae Day, Homily of Pope Francis*, VATICAN (June 16, 2013), [http://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco\\_20130616\\_omelia-evangelium-vitae.pdf](http://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130616_omelia-evangelium-vitae.pdf) [hereinafter June 16, 2013 *Homily*]. The theme of the Ten Commandments as a gift from God was developed more fully in Pope Francis, *Video-Message of Holy Father Francis to Participants in the Initiative Entitled “Ten Squares for Ten Commandments,”* VATICAN (June 8, 2013), [http://w2.vatican.va/content/francesco/en/messages/pont-messages/2013/documents/papa-francesco\\_20130608\\_videomessaggio-10piazze.pdf](http://w2.vatican.va/content/francesco/en/messages/pont-messages/2013/documents/papa-francesco_20130608_videomessaggio-10piazze.pdf) (“The Ten Commandments come from a God who created us for love, from a God who made a Covenant with mankind, a God who only wants man’s good. Let us give God our trust! Let us trust God! The Ten Commandments point out a path for us to follow, and they are a kind of ‘ethical code’ in order to build just societies attuned to man. . . . The Ten Commandments point to a way of freedom which finds fullness in the law of the Spirit that is not written on stone tables but on the heart . . . . We must not see the Ten Commandments as limitations of freedom—no, that is not what they are—but rather as signposts to freedom. They are not restrictions but indicators of freedom.” (citation omitted)).

<sup>36</sup> June 16, 2013 *Homily*, *supra* note 35 and accompanying text. He goes on to enjoin, “[L]et us look to his law, to the Gospel message, as the way to freedom and life.” *Id.*; see also *LUMEN FIDEI*, *supra* note 2, ¶ 46 (“The Decalogue is not a set of negative commands, but concrete directions for emerging from the desert of the selfish and self-enclosed ego in order to enter into dialogue with God, to be embraced by his mercy and then to bring that mercy to others. . . . The Decalogue appears as

Likewise, although Pope Francis has not yet written extensively on natural law, when he has spoken of it, he also has praised it as a great gift from God that leads only to the good. He said, “An inexhaustible source of inspiration, natural law, is inscribed in the human heart, and speaks to everyone in understandable terms: love, justice, peace, elements that are inseparable from each other.”<sup>37</sup> Certainly, human weakness has separated love, justice, and peace from each other and clouded our view of the natural law. Yet, Pope Francis has taught that by overcoming this separation, the natural law can reflect the goodness of the God who inscribed it in the human heart.<sup>38</sup>

However, in spite of this praise for law’s potential for good, Pope Francis’ sermons and speeches are full of examples in which he is cautious about the use of law and “rules perceived as insensitive to individual peoples, if not downright harmful.”<sup>39</sup> In

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the path of gratitude, the response of love, made possible because in faith we are receptive to the experience of God’s transforming love for us. And this path receives new light from Jesus’ teaching in the Sermon on the Mount.” (citation omitted)). For further discussion of the link between the Old Testament’s Ten Commandments and their fulfillment in the New Testament, see *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The Dictatorship of Uniformity*, VATICAN (Apr. 10, 2014), [http://w2.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140410\\_dictatorship-uniformity.pdf](http://w2.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie_20140410_dictatorship-uniformity.pdf) [hereinafter Apr. 10, 2014 *Meditation*] (originally printed in L’OSSERVATORE ROMANO on Apr. 18, 2014) (“[W]e understand that the commandments are not a cold law; the commandments were born out of this relationship of love, this promise, this covenant.” (quoting Pope Francis)); Pope Francis, *General Audience*, VATICAN (Aug. 6, 2014), [https://w2.vatican.va/content/francesco/en/audiences/2014/documents/papa-francesco\\_20140806\\_udienza-generale.pdf](https://w2.vatican.va/content/francesco/en/audiences/2014/documents/papa-francesco_20140806_udienza-generale.pdf) (“Moses gives the Law on Mount Sinai and Jesus, the new Moses, gives the Law on that hillside, on the shore of the Lake of Galilee. The Beatitudes are the path that God indicates as the answer to man’s innate desire for happiness, and they perfect the Commandments of the Old Covenant.”).

<sup>37</sup> See Nov. 20, 2014 *Address*, *supra* note 26; see also RUBIN & AMBROGETTI, *supra* note 15, at 242–43 (“[Human cultures and communities] rest[] solidly on the values that God imprinted on our human nature, on the divine breath that encourages us from within and that makes us children of God. That natural law that was gifted to us and imprinted on us . . . This natural law, which—throughout history and life—becomes consolidated, develops, and grows, is what saves us from the so-called relativism of consensus values. Values cannot be consensual: they just are. In the accommodating game of ‘reaching a consensus on values’ there is always the risk, predictably, of ‘downgrading.’ At that point, we are no longer building on solid ground, we are entering the violence of degradation.” (citation omitted) (quoting then-Cardinal Jorge Bergoglio)).

<sup>38</sup> See Pope Francis, *Regina Caeli*, VATICAN (May 10, 2015), [http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco\\_regina-coeli\\_20150510.pdf](http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco_regina-coeli_20150510.pdf) (“[T]he law of love is written upon the heart of man.” (citation omitted)).

<sup>39</sup> Nov. 25, 2014 *European Parliament Address*, *supra* note 12.

so doing, he explores the dangerous aspect of law which, like water and fire, may bring not only benefits, but also dangers if not harnessed and used wisely and well. For better or for worse, he argues that judicial decisions “become an occasion for the entire community . . . to find itself again in that law, reaffirm its value and in this way, something even more important, identify itself in it,”<sup>40</sup> which is a good and positive thing if the laws and their applications are just. But, in circumstances when that is not true, this aspect of community reaffirmation of law can have harmful consequences not only to the persons most directly involved, but also to the broader community.

For example, Pope Francis warns that an excessive emphasis on individual rights without corresponding attention to individual responsibilities to the community can lead to the misuse of laws that were created with good intentions:

Today there is a tendency to claim ever broader individual rights . . . ; underlying this is a conception of the human person as detached from all social and anthropological contexts . . . . The equally essential and complementary concept of duty no longer seems to be linked to such a concept of rights. As a result, the rights of the individual are upheld, without regard for the fact that . . . his or her rights and duties are bound up with those of others and with the common good of society itself.<sup>41</sup>

Pope Francis even expresses this concern when the purpose of a law may be good, but its application results in the denigration of human dignity. As an example, he cites the ancient “legislation regarding lepers, say[ing] that they are to be kept alone and apart from the community for the duration of their illness.”<sup>42</sup> Pope Francis acknowledges that “the purpose of

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<sup>40</sup> June 13, 2015 *Address*, *supra* note 3.

<sup>41</sup> Nov. 25, 2014 *European Parliament Address*, *supra* note 12; *see also id.* (“[U]nless the rights of each individual are harmoniously ordered to the greater good, those rights will end up being considered limitless and consequently will become a source of conflicts and violence.”); Nov. 20, 2014 *Address*, *supra* note 26 (“Nowadays there is much talk of rights, frequently neglecting duties . . . .”); Nov. 25, 2014 *Council of Europe Address*, *supra* note 12 (critiquing situations in which “the concept of human rights, which has an intrinsically universal import, is replaced by an individualistic conception of rights”).

<sup>42</sup> Pope Francis, *Holy Mass with the New Cardinals, Homily of His Holiness Pope Francis*, VATICAN (Feb. 15, 2015), [https://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco\\_20150215\\_omelia-nuovi-cardinali.pdf](https://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco_20150215_omelia-nuovi-cardinali.pdf) [hereinafter Feb. 15, 2015 *Homily*].

this rule was ‘to safeguard the healthy’, ‘to protect the righteous’, and, in order to guard them from any risk, to eliminate ‘the peril’ by treating the diseased person harshly.”<sup>43</sup> Strict enforcement of such a heartless rule two millennia ago may be understandable given the horrors of the disease and our ancestors’ lack of knowledge about it and how it spread. Yet, Pope Francis criticizes “[t]he thinking of the doctors of the law, which would remove the danger by casting out the diseased person.”<sup>44</sup> Pope Francis contrasts this with the action of Christ who healed the leper and restored him, in full health, to his community. In doing so, Pope Francis “does not devalue the law but instead values those for whom God gave the law.”<sup>45</sup> He says that, for Christ, “healing came before the law, even one as sacred as resting on the Sabbath . . . . The doctors of the law reproached Jesus because he healed on the Sabbath . . . . But the love of Jesus was in giving health, doing good: [T]his always takes priority!”<sup>46</sup> In this way, he urges careful reflection, not only on the intention of the law in the abstract, but also on the impact it has when applied in concrete situations.

In a similar way, Pope Francis offers a more modern example of law’s ability, if misused, to enshrine immoral activity:

There have been periods of human history in which the institution of slavery was generally accepted and regulated by law. This legislation dictated who was born free and who was born into slavery, as well as the conditions whereby a freeborn person could lose his or her freedom or regain it. . . . [T]he law itself admitted that some people were able or required to be

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<sup>43</sup> *Id.*; see also Pope Francis, *Address of Pope Francis to the Parish Priests of the Diocese of Rome*, VATICAN (Mar. 6, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/march/documents/papa-francesco\\_20140306\\_clero-diocesi-roma.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/march/documents/papa-francesco_20140306_clero-diocesi-roma.pdf) [hereinafter Mar. 6, 2014 *Address*] (also critiquing the ancient law requiring that lepers be “always kept at a distance in order not to . . . spread the contagion”).

<sup>44</sup> Feb. 15, 2015 *Homily*, *supra* note 42.

<sup>45</sup> *Id.*; see also Nov. 20, 2014 *Address*, *supra* note 26 (“Interest in the production, availability and accessibility of foodstuffs, in climate change and in agricultural trade should certainly inspire rules and technical measures, but the first concern must be the individual person . . .”).

<sup>46</sup> Pope Francis, *General Audience*, VATICAN (June 10, 2015), [http://w2.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco\\_20150610\\_udienza-generale.pdf](http://w2.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco_20150610_udienza-generale.pdf) (citation omitted).

considered the property of other people, at their free disposition. A slave could be bought and sold, given away or acquired, as if he or she were a commercial product.<sup>47</sup>

Although he acknowledges that now, because “[t]he right of each person not to be kept in a state of slavery or servitude has been recognized in international law as inviolable,”<sup>48</sup> the lesson is simple: Law that is not directed toward morality can pose a horrible danger.

Pope Francis also critiques—particularly in the penal context—an overly harsh application of rules that may make full rehabilitation of an offender impossible and that undermines the dignity of the offender.<sup>49</sup> He acknowledges that “[c]ivic life, structured around an organized community, needs rules of coexistence, the wilful [sic] violation of which demands appropriate redress.”<sup>50</sup> Yet, at the same time, he critiques the reliance on overly harsh sanctions in which “the criminal justice system oversteps its proper sanctioned function and places itself on the ground of the freedoms and rights of the people, especially of the most vulnerable, in the name of prevention whose effectiveness it has not yet been possible to ascertain.”<sup>51</sup> He is

<sup>47</sup> Jan. 1, 2015 *Message*, *supra* note 11.

<sup>48</sup> *Id.*

<sup>49</sup> In one context, he advocates an appropriate humility toward those who have committed legal violations and are paying the penalty for their crimes. See *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Abstaining from Injustice*, VATICAN (Feb. 20, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150220\\_abstaining-from-injustice.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150220_abstaining-from-injustice.pdf) (originally printed in L'OSSERVATORE ROMANO on Feb. 27, 2015) (“[I]f you are not in prison it is because the Lord has helped you not to fall. Is there room in your heart for inmates? Do you pray for them, that the Lord may help them change their life [sic]?” (quoting Pope Francis) (internal quotation mark omitted)); see also Sept. 1, 2015 *Letter*, *supra* note 20 (“The Jubilee Year has always constituted an opportunity for great amnesty, which is intended to include the many people who, despite deserving punishment, have become conscious of the injustice they worked and sincerely wish to re-enter society and make their honest contribution to it.”).

<sup>50</sup> Oct. 23, 2014 *Address*, *supra* note 1.

<sup>51</sup> *Id.* In a particular way, Pope Francis critiques the imposition of the death penalty, life sentences, and “deplorable conditions of detention.” *Id.* He singles out for particular concern the application of harsh criminal penalties for “adults now advanced in age . . . those who suffer from serious or terminal illness, for pregnant women, for disabled people, for mothers or fathers who are the only person responsible for minors or for disabled people.” *Id.*; see also Jan. 1, 2014 *Message*, *supra* note 23 (“[W]hen we look to crime and punishment, we cannot help but think of the inhumane conditions in so many prisons, where those in custody are often reduced to a subhuman status in violation of their human dignity and stunted in their hope and desire for rehabilitation.”); Pope Francis, *Visit at the “Giuseppe*

particularly critical of penal laws that employ the use of the death penalty, arguing that “[f]or a constitutional state the death penalty represents a failure, because it obliges the State to kill in the name of justice.”<sup>52</sup> In this way, again, he urges careful consideration of both the substance of the law and its application in actual situations with impacts on real people.

Pope Francis argues, as well, that all should avoid the temptation to overrely on the law to the extent that it can become “a security without freedom.”<sup>53</sup> He says, with both criticism and pity, that those who “don’t feel secure . . . try[] to hang on to something to be secure”<sup>54</sup> such as the “doctors of the law in the time of Jesus . . . [who would say] the law says this, it says this up to here . . . [and] ‘they would make another commandment’ . . . ‘the poor souls, they were leaning on 300–400 commandments and they felt secure’.”<sup>55</sup> He repeated this critique

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*Salvia” Detention Center and Luncheon with Representatives of Detainees: Address of the Holy Father*, VATICAN (Mar. 21, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/march/documents/papa-francesco\\_20150321\\_napoli-pompei-detenuti-poggioreale.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/march/documents/papa-francesco_20150321_napoli-pompei-detenuti-poggioreale.pdf) (“Inmates are often held in conditions unworthy of the human condition, and then they are not able to reintegrate into society.”).

<sup>52</sup> Pope Francis, *Letter of His Holiness Pope Francis to the President of the International Commission Against the Death Penalty*, VATICAN (Mar. 20, 2015), [http://w2.vatican.va/content/francesco/en/letters/2015/documents/papa-francesco\\_20150320\\_lettera-pena-morte.pdf](http://w2.vatican.va/content/francesco/en/letters/2015/documents/papa-francesco_20150320_lettera-pena-morte.pdf). Pope Francis continues his critique of the death penalty, arguing, “It is an offence to the inviolability of life and to the dignity of the human person which contradicts God’s plan for man and for society and his merciful justice . . . It does not render justice to the victims, but rather foments revenge.” *Id.* In addition to his concerns about the implications of the death penalty for justice in this life, Pope Francis also expresses concern that the death penalty may have a detrimental effect on the condemned person’s eternal life:

With the application of capital punishment, the person sentenced is denied the possibility to make amends or to repent of the harm done; the possibility of confession, with which man expresses his inner conversion; and of contrition, the means of repentance and atonement in order to reach the encounter with the merciful and healing love of God.

*Id.*

<sup>53</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Hardened Hearts*, VATICAN (Jan. 9, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150109\\_hardened-hearts.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150109_hardened-hearts.pdf) [hereinafter Jan. 9, 2015 *Meditation*] (quoting Pope Francis) (internal quotation mark omitted) (originally printed in L’OSSERVATORE ROMANO on Jan. 16, 2015).

<sup>54</sup> *Id.* (quoting Pope Francis) (internal quotation mark omitted).

<sup>55</sup> *Id.* (quoting Pope Francis); Dec. 15, 2014 *Meditation*, *supra* note 31 (exploring a similar theme and criticizing those who “observed the law” and were “very law-abiding, very firm in their ways” but in a fashion that was “true only in appearances” (quoting Pope Francis) (internal quotation marks omitted)); see also *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The Fear of Surprise*, VATICAN (Nov. 20, 2014), <http://w2.vatican.va/content/francesco/en/cotidie/>

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2014/documents/papa-francesco-cotidie\_20141120\_the-fear-of-surprise.pdf (originally printed in L'OSSERVATORE ROMANO on Nov. 28, 2014) (criticizing the situation in Jerusalem at the time of Christ when “the doctors of the law had everything organized . . . [and] all the commandments were clear” and yet “the gate was closed” (quoting Pope Francis) (internal quotation marks omitted)); Pope Francis, *Address of Pope Francis to Participants in the Meeting Sponsored by the Pontifical Council for Promoting New Evangelization*, VATICAN (Sept. 19, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco\\_20140919\\_nuova-evangelizzazione.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/september/documents/papa-francesco_20140919_nuova-evangelizzazione.pdf) (“[T]his gives rise to the temptation of self-sufficiency and of clericalism, that codification of the faith in rules and regulations, as the scribes, the Pharisees, the doctors of the law did in the time of Jesus. To us, everything will be clear and set in order, but the faithful and those in search will still hunger and thirst for God.”); Pope Francis, *Meeting with the Bishops of Asia: Address of Pope Francis*, VATICAN (Aug. 17, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/august/documents/papa-francesco\\_20140817\\_coreavescovia-asia.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/august/documents/papa-francesco_20140817_coreavescovia-asia.pdf) (“[T]here is a . . . temptation: that of the apparent security to be found in hiding behind easy answers, ready formulas, rules and regulations. Jesus clashed with people who would hide behind laws, regulations and easy answers . . . He called them hypocrites.” (second ellipsis in original)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: New Wine, New Wineskins*, VATICAN (Sept. 5, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140905\\_new-wine-new-wineskins.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20140905_new-wine-new-wineskins.pdf) (originally printed in L'OSSERVATORE ROMANO on Sept. 12, 2014) (criticizing “doctors of the law [who] were locked up in their commandments, in their rules” and explaining that “when Jesus reproaches these people, these doctors of the law, he admonishes them for not having safeguarded the people with law’ but for having made them ‘slaves of so many little laws, of so many little things that they had to do’” (quoting Pope Francis) (internal quotation marks omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Those Who Open the Doors*, VATICAN (May 13, 2014), [http://m.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140513\\_docility-holy-spirit.html](http://m.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie_20140513_docility-holy-spirit.html) (originally printed in L'OSSERVATORE ROMANO on May 16, 2014) (criticizing those who “believed that religion was a thing of the mind, of laws, of making commandments, of keeping commandments and nothing more” (quoting Pope Francis)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The God of Surprises*, VATICAN (Oct. 13, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141013\\_the-god-of-surprises.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20141013_the-god-of-surprises.pdf) (originally printed in L'OSSERVATORE ROMANO on Oct. 17, 2014) (“[Doctors of the law] were closed within their system, they had organized the law very well. It was ‘a masterpiece. All of the Jews knew what one could and could not do, where one could go. It was all organized.’” (quoting Pope Francis) (internal quotation mark omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Appearance and Truth*, VATICAN (Oct. 14, 2014), [http://m.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141014\\_appearance-and-truth.html](http://m.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie_20141014_appearance-and-truth.html) (originally printed in L'OSSERVATORE ROMANO on Oct. 17, 2014) (“Law alone doesn’t save. Law saves when it leads you to the source of salvation.” (quoting Pope Francis) (internal quotation marks omitted)); *id.* (critiquing those of Christ’s day who “believed they were good because they did all that the law commanded should be done” (quoting Pope Francis) (internal quotation marks omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Salvation Our Way*, VATICAN (Oct. 3, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141003\\_salvation-our-way.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20141003_salvation-our-way.pdf) (originally printed in L'OSSERVATORE ROMANO

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on Oct. 10, 2014) (critiquing legal experts who believed salvation lay in the myriad laws “that their intellectual and theological fever had created” (quoting Pope Francis) (internal quotation marks omitted)); Pope Francis, *Address of His Holiness Pope Francis for the Third Extraordinary General Assembly of the Synod of Bishops*, VATICAN (Oct. 18, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco\\_20141018\\_conclusionone-sinodo-dei-vescovi.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/october/documents/papa-francesco_20141018_conclusionone-sinodo-dei-vescovi.pdf) (urging resistance to “hostile inflexibility, that is, wanting to close oneself within the written word, (the letter) and not allowing oneself to be surprised by God, by the God of surprises, (the spirit); within the law, within the certitude of what we know and not of what we still need to learn and to achieve”); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The Spirit of Hypocrisy*, VATICAN (Mar. 7, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140307\\_hypocrisy.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20140307_hypocrisy.pdf) (originally printed in L’OSSERVATORE ROMANO on Mar. 14, 2014) (“Jesus frequently returns to the issue of hypocrisy many times when he sees that doctors of the Law think themselves to be perfect: they fulfil [sic] the commandments as though it were a mere formality.” (quoting Pope Francis) (internal quotation marks omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: There is No Christian Without Jesus*, VATICAN (Sept. 7, 2013), [http://w2.vatican.va/content/francesco/en/cotidie/2013/documents/papa-francesco-cotidie\\_20130907\\_no-christian-without-jesus.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2013/documents/papa-francesco-cotidie_20130907_no-christian-without-jesus.pdf) (originally printed in L’OSSERVATORE ROMANO on Sept. 11, 2013) (criticizing the Pharisees and others who “put their faith, their religiosity, their Christianity, in laws: I must do this, I must do that” as “Christians out of habit” (quoting Pope Francis) (internal quotation mark omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Two Identity Cards*, VATICAN (Feb. 10, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150210\\_two-identity-cards.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150210_two-identity-cards.pdf) (originally printed in L’OSSERVATORE ROMANO on Feb. 13, 2015) (“[W]hen they have uncertainty, they invent or make up another commandment.” (quoting Pope Francis) (internal quotation marks omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Time Is God’s Messenger*, VATICAN (Apr. 17, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150417\\_time-god-messenger.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150417_time-god-messenger.pdf) (originally printed in L’OSSERVATORE ROMANO on Apr. 24, 2015) (criticizing “closed men who were certain of the law and who didn’t want to hear anyone speak otherwise, who didn’t know what dialogue was but preferred monologue” (quoting Pope Francis) (internal quotation marks omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Obedience*, VATICAN (Apr. 16, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150416\\_obedience.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150416_obedience.pdf) (originally printed in L’OSSERVATORE ROMANO on Apr. 24, 2015) (“This closure to dialogue led them to interpret the law in order to make it more precise, but they were closed to the signs of God in history, they were closed to the people: they were closed . . . ‘[T]he lack of dialogue, this closure of heart, led them not to obey God’.” (quoting Pope Francis) (internal quotation mark omitted)); *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Ode to Joy*, VATICAN (Mar. 26, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150326\\_ode-to-joy.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150326_ode-to-joy.pdf) (originally printed in L’OSSERVATORE ROMANO on Apr. 3, 2015) (“[D]octors of the law ‘had lost the faith: they were doctors of the law, but without faith!’. Moreover: ‘they had lost the law! Because the centre of law is love, love for God and for neighbour’. However, they ‘had only a system of specific teachings which they refined further every day so that no one would touch them.’” (quoting Pope Francis)); Pope Francis, *Angelus*, VATICAN (Aug. 30, 2015), [http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco\\_a](http://w2.vatican.va/content/francesco/en/angelus/2015/documents/papa-francesco_a)

of those who argued that “‘grace lay precisely in making law, following law and when there was doubt, to make another in order to clarify that law’ [and] in so doing, ‘they ended up with 300, 400 commandments’.”<sup>56</sup> He argued that this “commodified”<sup>57</sup> the grace of God. While most of this particular critique has been made in the context of religious rather than secular law, the analogy still holds. At times, when Pope Francis repeats his critique of strict application of laws, he reflects a pessimism about the nature of law, its application, or, most often, both. That is, he repeatedly asserts that a dichotomy can exist between law and justice or law and compassion. For example, he has criticized people “so attached to the law that they forgot about justice; so stuck to the law that they forgot about love . . . . [T]hey were attentive to the law, they disregarded justice; they were attentive to the law, they overlooked love.”<sup>58</sup>

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ngelus\_20150830.pdf (“Jesus wants to caution us too, today, against the belief that outward observance of the law is enough to make us good Christians. Dangerous as it was then for the Pharisees, so too is it for us to consider ourselves acceptable or, even worse, better than others simply for observing the rules, customs, even though we do not love our neighbour, we are hard of heart, we are arrogant and proud. Literal observance of the precepts is a fruitless exercise which does not change the heart and turn into practical behaviour: opening oneself to meet God and his Word in prayer, seeking justice and peace, taking care of the poor, the weak, the downtrodden.”).

<sup>56</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: God’s Lullaby*, VATICAN (Dec. 11, 2014), [http://w2.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141211\\_god-s-lullaby.html](http://w2.vatican.va/content/francescomobile/en/cotidie/2014/documents/papa-francesco-cotidie_20141211_god-s-lullaby.html) [hereinafter Dec. 11, 2014 *Meditation*] (quoting Pope Francis) (originally printed in L’OSSERVATORE ROMANO on Dec. 19, 2014).

<sup>57</sup> *Id.* (contrasting this commodification with a view that “you are righteous because God has come close to you, because God caresses you, because God says these beautiful things to you with tenderness: this is our justice, this nearness of God, this tenderness, this love” (quoting Pope Francis) (internal quotation marks omitted)).

<sup>58</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The Law and the Flesh*, VATICAN (Oct. 31, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141031\\_the-law-and-the-flesh.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20141031_the-law-and-the-flesh.pdf) [hereinafter Oct. 31, 2014 *Meditation*] (quoting Pope Francis) (internal quotation mark omitted) (originally printed in L’OSSERVATORE ROMANO on Nov. 7, 2014); see *Morning Meditation in the Chapel of Domus Sanctae Marthae: Three Women and Three Judges*, VATICAN (Mar. 23, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150323\\_three-women-and-three-judges.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150323_three-women-and-three-judges.pdf) (originally printed in L’OSSERVATORE ROMANO on Mar. 27, 2015) (“[E]verything was the letter of the law, what the law said, they felt was pure: the law says this and you must do this . . . . [T]hese were not saints . . . . [R]ighteous judgment lies precisely in mercy.” (quoting Pope Francis) (internal quotation marks omitted)); Pope Francis, *Holy Mass on the Solemnity of Pentecost: Homily of His Holiness Pope Francis*, VATICAN (May 24, 2015),

Similarly, he has argued that often the application of the justice of the law can fail to be joined to the great gift of mercy, and in this he fears the abuse of law.<sup>59</sup> He warns that “[t]he temptation . . . to focus exclusively on justice made us forget that this is only the first, albeit necessary and indispensable step.”<sup>60</sup> Pope Francis does try to reconcile the two:

These are not two contradictory realities, but two dimensions of a single reality that unfolds progressively until it culminates in the fullness of love. Justice is a fundamental concept for civil society, which is meant to be governed by the rule of law. Justice is also understood as that which is rightly due to each individual. . . . Such a vision, however, has not infrequently led to legalism by distorting the original meaning of justice and obscuring its profound value. To overcome this legalistic perspective, we need to recall that in Sacred Scripture, justice is conceived essentially as the faithful abandonment of oneself to God’s will.

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[http://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco\\_20150524\\_omelia-pentecoste.pdf](http://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco_20150524_omelia-pentecoste.pdf) (critiquing “rigid legalism—seen in the attitude of the doctors of the law to whom Jesus referred as ‘hypocrites’”); Pope Francis, *Message of His Holiness Pope Francis to the President of Panama on the Occasion of the Seventh Summit of the Americas*, VATICAN (Apr. 10, 2015), [http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco\\_20150410\\_messaggio-vii-vertice-americhe.pdf](http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco_20150410_messaggio-vii-vertice-americhe.pdf) (“They are situations in which, in order to protect fundamental rights, it is no [sic] enough to apply the law, whereby rules without compassion and mercy do not correspond to justice.”); see also Pope Francis, *Holy Mass with the New Cardinals, Homily of Pope Francis*, VATICAN (Feb. 23, 2014), [http://w2.vatican.va/content/francesco/en/homilies/2014/documents/papa-francesco\\_20140223\\_omelia-nuovi-cardinali.pdf](http://w2.vatican.va/content/francesco/en/homilies/2014/documents/papa-francesco_20140223_omelia-nuovi-cardinali.pdf) (drawing a contrast between “the imperfect justice of the scribes and Pharisees with the higher justice of the Kingdom of God”).

<sup>59</sup> See *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Three Women and Three Judges*, VATICAN (Mar. 23, 2015), [http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie\\_20150323\\_three-women-and-three-judges.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2015/documents/papa-francesco-cotidie_20150323_three-women-and-three-judges.pdf) (originally printed in L’OSSERVATORE ROMANO on Mar. 27, 2015) (“[T]he Bible tells us that righteous judgment lies precisely in mercy’ . . . ‘[W]here there is no mercy, there is no justice.’”).

<sup>60</sup> Pope Francis, *Misericordiae Vultus: Bull of Indiction of the Extraordinary Jubilee of Mercy*, VATICAN (Apr. 11, 2015), [http://w2.vatican.va/content/francesco/en/bulls/documents/papa-francesco\\_bolla\\_20150411\\_misericordiae-vultus.pdf](http://w2.vatican.va/content/francesco/en/bulls/documents/papa-francesco_bolla_20150411_misericordiae-vultus.pdf) [hereinafter Apr. 11, 2015 *Misericordiae Vultus*].

... Jesus speaks several times of the importance of faith over and above the observance of the law. ... [O]n the basis of such a liberating vision of mercy as a source of new life, Jesus was rejected by the Pharisees and the other teachers of the law.<sup>61</sup>

He also says that “[m]ercy is not opposed to justice,”<sup>62</sup> mercy “does not mean that justice should be devalued or rendered superfluous,”<sup>63</sup> and “God does not deny justice. He rather envelopes it and surpasses it with an even greater event in which we experience love as the foundation of true justice.”<sup>64</sup> Nevertheless, Pope Francis consistently returns to the theme that justice devoid of mercy poses grave danger.<sup>65</sup>

Whether these varied goods—law, justice, mercy, and love—are truly as opposed to each other as Pope Francis fears is a matter of debate. Arguably, they may be more easily reconcilable if this task is undertaken by people of good will with well-informed consciences and a commitment to both truth and charity in all things. Indeed, in many ways, the tasks of respecting law, justice, mercy, and love should be inextricably intertwined rather than in opposition to each other. Nevertheless, Pope Francis’ repeated cautions about this opposition color much of his view of the law’s capacity for harm.

In a world governed by—or, hopefully governed by—the rule of law, the Pope’s pessimism about the ability to reconcile law with love and justice with mercy should be a matter of concern to those who work in the law. He asks, “[W]hat is the way to be faithful to the law without overlooking justice, without neglecting love?”<sup>66</sup> The ability *vel non* to find a satisfactory answer to this

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<sup>61</sup> *Id.* (“The appeal to a faithful observance of the law must not prevent attention from being given to matters that touch upon the dignity of the person.”).

<sup>62</sup> *Id.*; see also *Address of His Holiness Pope Francis to Participants in a Course on the Internal Forum Organized by the Apostolic Penitentiary*, VATICAN (Mar. 12, 2015), [http://m.vatican.va/content/francescomobile/en/speeches/2015/march/documents/papa-francesco\\_20150312\\_tribunale-penitenzieria-apostolica.html](http://m.vatican.va/content/francescomobile/en/speeches/2015/march/documents/papa-francesco_20150312_tribunale-penitenzieria-apostolica.html) (“[M]ercy . . . does not exclude but rather includes the just obligation to atone for, to the extent possible, the wrong committed.”).

<sup>63</sup> Apr. 11, 2015 *Misericordiae Vultus*, *supra* note 60.

<sup>64</sup> *Id.*

<sup>65</sup> See, e.g., *id.* (“If God limited himself to only justice, he would cease to be God, and would instead be like human beings who ask merely that the law be respected.”); *id.* (“Experience shows that an appeal to justice alone will result in its destruction.”).

<sup>66</sup> Oct. 31, 2014 *Meditation*, *supra* note 58 (internal quotation marks omitted).

question seems to be at the heart of Pope Francis' ambivalence about the law. Perhaps finding the answer to this question lies at the heart of the lawyer's vocation.

## II. POPE FRANCIS, LAWYERS, AND JUDGES: A VOCATION TO RESPONSIBLE SERVICE

"[H]aving just laws is not enough; it is essential to train the people who are responsible and capable of putting the laws into practice."<sup>67</sup>

"What are the pillars of someone called to public administration? The answer is specific: the dignity of the human being and the common good."<sup>68</sup>

Given Pope Francis' ambivalence about the law itself, it is not surprising that on the occasions when he has addressed the vocation of the lawyer—and, perhaps even more markedly, when he has addressed the vocation of the judge—he expressed a similar perspective: Those whose vocation lies in law have the capacity to do great good, but only if they use their authority in a way that reflects a well formed conscience and the use of that authority to serve others and the common good with prudence and responsibility.<sup>69</sup>

In one sense, Pope Francis has a very positive view of the lawyer's vocation, once extending to a group of legal professionals his "gratitude for [their] service to society and for [their] valuable contribution to the development of a legal process that respects the dignity and rights of the human person, without

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<sup>67</sup> Pope Francis, *Letter of Pope Francis to Participants in the 19th International Congress of the International Association of Penal Law and of the 3rd Congress of the Latin-American Association of Penal Law and Criminology*, VATICAN (May 30, 2014), [http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco\\_20140530\\_lettera-diritto-penale-criminologia.pdf](http://w2.vatican.va/content/francesco/en/letters/2014/documents/papa-francesco_20140530_lettera-diritto-penale-criminologia.pdf) [hereinafter May 30, 2014 *Letter*].

<sup>68</sup> Pope Francis, *Video Message of His Holiness Pope Francis on the Occasion of the Meeting of National and International Representatives: "Expo of Ideas 2015—Toward the Milan Charter"*, VATICAN (Feb. 7, 2015), [http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco\\_20150207\\_video-messaggio-expo-milano.pdf](http://w2.vatican.va/content/francesco/en/messages/pont-messages/2015/documents/papa-francesco_20150207_video-messaggio-expo-milano.pdf).

<sup>69</sup> Indeed, the proper use of power is a frequent theme explored by Pope Francis. He recounted, "A very intelligent Jesuit told this joke: There was a person who came running asking for help. Who was pursuing him? Was it an assassin? A thief? No . . . a mediocre person with power." BERGOGLIO & SKORKA, *supra* note 8, at 149 (ellipsis in original).

distinction.”<sup>70</sup> He has even, on occasion, had kind words for those engaged in political life—a much-maligned group that often includes attorneys.<sup>71</sup> This positive view flows directly from his beliefs about the great capacity of law itself—when at its best—to protect the dignity and rights of the human person.

Indeed, on several occasions, Pope Francis paid lawyers the highest compliment they may hope for: He analogized a good lawyer to Jesus Christ himself. No higher praise could come to a profession often maligned. He said, for example, “Jesus . . . always defends before the Father: [H]e’s a defence lawyer.”<sup>72</sup> On another occasion, he said, “I can go forward in life because I have a lawyer who defends me. . . . Jesus ‘is a good defense attorney and will speak about me to the Father’.”<sup>73</sup> Indeed, he prayed that all will have “the grace to imitate Jesus the intercessor, defender and lawyer for us and for others.”<sup>74</sup> Going even further, he has also spoken of the Holy Spirit in the role of an attorney, saying, “[T]o highlight that [Jesus] is the first lawyer, [Jesus] tells us: I will send you another Paraclete, another lawyer.”<sup>75</sup> Certainly, this praise also suggests a great capacity for good for those whose profession is in the law. Unfortunately, the analogy breaks down when one considers the perfection enjoyed by a divine advocate—but, alas, a perfection not shared by human advocates. Nevertheless, this articulation of an ideal presents the lawyer’s calling in the most favorable of lights.

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<sup>70</sup> Oct. 23, 2014 *Address*, *supra* note 1; May 30, 2014 *Letter*, *supra* note 67 (“I would like to express to you my personal gratitude, as well as that of all men and women of goodwill, for your service to society and your contribution to the development of a justice system that respects, without discrimination, the rights and dignity of the human being, and duly defends minorities.”).

<sup>71</sup> See BERGOGLIO & SKORKA, *supra* note 8, at 140 (“The loss of credibility in the political arena must be reversed because politics is a very elevated form of social charity. Social love is expressed in political activity for the common good.”).

<sup>72</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: No One Can Judge*, VATICAN (June 23, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140623\\_no-one-can-judge.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20140623_no-one-can-judge.pdf) [hereinafter June 23, 2014 *Meditation*] (originally printed in L’OSSERVATORE ROMANO on June 27, 2014).

<sup>73</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: The Good Lawyer*, VATICAN (June 3, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140603\\_good-lawyer.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20140603_good-lawyer.pdf) [hereinafter June 3, 2014 *Meditation*] (originally printed in L’OSSERVATORE ROMANO on June 6, 2014).

<sup>74</sup> June 23, 2014 *Meditation*, *supra* note 72 (internal quotation mark omitted).

<sup>75</sup> June 3, 2014 *Meditation*, *supra* note 73 (internal quotation mark omitted).

In a broader context, at the inauguration of his pontificate, Pope Francis asked “all those who have positions of responsibility in economic, political and social life”<sup>76</sup>—a group which certainly includes lawyers—to be, as he calls it, “protectors” of the needy, weak, and vulnerable.<sup>77</sup> It is in serving as protectors in many different circumstances that lawyers have the opportunity to exercise their great task of responsibility for others. He couples this, however, with the teaching that “authentic power is service”<sup>78</sup> and “[o]nly those who serve with love are able to protect!”<sup>79</sup> It is by honoring this connection between responsibility and service that Pope Francis articulates the vocation of the lawyer, or advocate. This theme of service and responsibility is woven throughout his teachings on the lawyer’s vocation.<sup>80</sup>

In addressing Christian professional life more broadly, Pope Francis urges professionals to seek their inspiration from God Himself and to be motivated by this inspiration to recognize the responsibility to serve those who need help:

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<sup>76</sup> Pope Francis, *Mass at the Imposition of the Pallium and Bestowal of the Fisherman’s Ring for the Beginning of the Petrine Ministry of the Bishop of Rome, Homily of Pope Francis*, VATICAN (Mar. 19, 2013), [https://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco\\_20130319\\_omelia-inizio-pontificato.pdf](https://w2.vatican.va/content/francesco/en/homilies/2013/documents/papa-francesco_20130319_omelia-inizio-pontificato.pdf) [hereinafter Mar. 19, 2013 *Homily*].

<sup>77</sup> *Id.* He goes on to elaborate that they should be protectors “of creation, protectors of God’s plan inscribed in nature, protectors of one another and of the environment.” *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> In a similar vein, Pope Francis repeated this theme of service and responsibility when addressing a related profession. In an address to the Italian Police Forces, charged with enforcing the laws, he said:

Every honest occupation contributes to the good of all and, if carried out with dedication and enthusiasm, it fosters personal growth and the growth of society, by ensuring a free and dignified existence. Among the different professions, yours represents an authentic mission and entails upholding and actually putting into practice the attitudes and values which are especially important to civil life. I am referring to a clear sense of duty and discipline, readiness to sacrifice—your life if necessary—to keep public order, with respect for the law, in defence of democracy and opposition to organized crime and terrorism.

Pope Francis, *Address of His Holiness Pope Francis to the Families of the Victims of the Italian Police Forces*, VATICAN (May 21, 2015), [https://w2.vatican.va/content/francesco/en/speeches/2015/may/documents/papa-francesco\\_20150521\\_caduti-polizia-stato.pdf](https://w2.vatican.va/content/francesco/en/speeches/2015/may/documents/papa-francesco_20150521_caduti-polizia-stato.pdf) (“In defending the weak and the law you will find the truest meaning of your service and you will be an example to the country, which is in need of people to serve it selflessly, generously and constantly.”).

The Christian professional draws every day from prayer and from the Word of God the strength, above all, to do his duty well, with competence and wisdom; and then to “go beyond”, which means to go to meet the person in difficulty; to exercise that creativity which enables one to find solutions to an impasse; to invoke reasons of human dignity in facing the rigidity of bureaucracy.<sup>81</sup>

In this teaching, Pope Francis outlines how lawyers can best marry service and responsibility. He proposes a professional life centered on prayer as a source of strength; recognizes the need to possess not mere professional competence but wisdom and creativity with respect to how to exercise that competence; advocates willingness to serve beyond the bare minimum of what is required by one’s profession; and urges a deep respect for human dignity in all that a Christian professional does.<sup>82</sup>

In very strong terms, Pope Francis encourages lawyers to allow those they serve to be of service in their own ways and to avoid the pride that attorneys may possess all too easily, particularly in circumstances where they find themselves enjoying significant amounts of respect and authority in their communities. He warns, “The Sadducees and the teachers of the Law in Jesus’ day gave much to the people: [T]hey gave the Law, they taught, but they never let the people give them anything.”<sup>83</sup>

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<sup>81</sup> Pope Francis, *Address of His Holiness Pope Francis to Participants in the World Congress of Accountants*, VATICAN (Nov. 14, 2014), [http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco\\_20141114\\_congresso-mondiale-commercialisti.pdf](http://w2.vatican.va/content/francesco/en/speeches/2014/november/documents/papa-francesco_20141114_congresso-mondiale-commercialisti.pdf) (“[E]veryone, especially those who practise a profession which deals with the proper functioning of a country’s economic life, is asked to play a positive, constructive role in performing their daily work, knowing that behind every file, there is a story, there are faces.”).

<sup>82</sup> In a related address to Italian prefects, Pope Francis described the ideal political service that they should render, a description with obvious implications for all legal professionals:

It is a service which entails tenacious dedication to duty, an in-depth knowledge of the issues, combined with the necessary flexibility to address the countless practical cases that come up, each of which is singular.

. . . .

Obedience of the law and the criteria of humanity which inform it and loyalty to institutions constitute the indispensable framework in which your service is carried out.

Pope Francis, *Address of His Holiness Pope Francis to the Prefects of Various Italian Cities*, VATICAN (Feb. 6, 2015), [http://w2.vatican.va/content/francesco/en/speeches/2015/february/documents/papa-francesco\\_20150206\\_prefetti-citta-italia.pdf](http://w2.vatican.va/content/francesco/en/speeches/2015/february/documents/papa-francesco_20150206_prefetti-citta-italia.pdf).

<sup>83</sup> Pope Francis, *Apostolic Journey of His Holiness Pope Francis to Sri Lanka and the Philippines: Meeting with Young People, Address of His Holiness Pope Francis*, VATICAN (Jan. 18, 2015), <https://w2.vatican.va/content/francesco/en/>

This is an interesting commentary. In it, Pope Francis acknowledges the good that the teachers of the law did—rare praise, indeed. But he also warns against an attitude of superiority that might tempt lawyers or leaders of all types to diminish the ability of others to contribute wisdom, gifts, or talents. This is another aspect of the call to humility in service which characterizes Pope Francis' view of the lawyer's vocation.<sup>84</sup> He also urges those working in the law to be mindful that “authority comes from God and is meant for the service of the common good.”<sup>85</sup> In the wise use of authority in service of others, a lawyer can find a truly sacred vocation.

Yet, Pope Francis often and fiercely warns against lawyers—and, particularly judges—who abuse their vocation and the privileges that come with it. In his meditations on the familiar “woe to you lawyers” Gospel passage,<sup>86</sup> he said that lawyers who misuse their power are like “‘Christians who have the key [of knowledge] in hand but carry it away’ or . . . ‘who stand at the door but let no one enter’.”<sup>87</sup> Pope Francis poses the greatest challenge to those whose vocation within the law is to serve as a judge—although much of his advice to judges can easily apply to ambitious attorneys as well. He expresses sympathy for those who analogize God to “a severe judge, as someone who curtails our freedom and the way we live our

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speeches/2015/january/documents/papa-francesco\_20150118\_srilanka-filippine-incontro-giovani.pdf.

<sup>84</sup> On another occasion, reflecting on Luke 21:1–4, Pope Francis again critiqued the scholars of the law who had “such a wealth of vanity, of appearance and even of arrogance.” *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Where the Light Comes From*, VATICAN (Nov. 24, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20141124\\_where-the-light-comes-from.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20141124_where-the-light-comes-from.pdf) (quoting Pope Francis) (originally printed in L'OSSERVATORE ROMANO on Nov. 28, 2014); see also *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Like Peeling an Onion*, VATICAN (Sept. 25, 2014), [https://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140925\\_like-peeling-an-onion.pdf](https://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20140925_like-peeling-an-onion.pdf) (“[Christ] told the doctors of the law that they should not walk in the public squares with such luxurious clothing. They looked like princes!” (quoting Pope Francis) (internal quotation marks omitted)).

<sup>85</sup> *LUMEN FIDEI*, *supra* note 2, ¶ 55.

<sup>86</sup> *Luke* 11:47–54.

<sup>87</sup> *Morning Meditation in the Chapel of the Domus Sanctae Marthae: Disciples of the Lord and Not of Ideology*, VATICAN (Oct. 17, 2013), [http://w2.vatican.va/content/francesco/en/cotidie/2013/documents/papa-francesco-cotidie\\_20131017\\_disciples-lord.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2013/documents/papa-francesco-cotidie_20131017_disciples-lord.pdf) (quoting Pope Francis) (originally printed in L'OSSERVATORE ROMANO on Oct. 25, 2013).

lives,”<sup>88</sup> rather than as “the one who bestows life and points the way to fullness of life.”<sup>89</sup> In doing so, he presents an image of what a judge should not become and the way in which a legal advisor should not behave.

Pope Francis recognizes the difficulties that attorneys and judges face in the exercise of their vocation. For example, judges may be tempted to fall prey to outside pressures, pressures that may also influence attorneys as they decide who to represent, what to argue, and how to exercise influence. He acknowledges, “It is a difficult task, in times when many judges and employees in the criminal justice system must perform their work under the pressure of the mass media, of certain unscrupulous politicians and of the vengeful trend which permeates society.”<sup>90</sup> In addition, he admits that when it comes to application of rules, striking a balance between rigor and laxity is not a simple task:

Neither the laxist nor the rigorist bears witness to Jesus Christ, for neither the one nor the other takes care of the person he encounters. The rigorist washes his hands of them: in fact, he nails the person to the law, understood in a cold and rigid way; and the laxist also washes his hands of them: he is only apparently merciful, but in reality he does not take seriously the problems of that conscience, by minimizing the sin.<sup>91</sup>

Striking this balance is not an easy task for either the bench or the bar; yet, Pope Francis posits that the ability to do so is essential.

Pope Francis, however, does not merely critique legal professionals. Instead, in two significant addresses, he describes what characteristics he believes an ideal judge should have, and, in so doing, also gives important and inspiring advice to attorneys. In an address to the Tribunal of the Roman Rota at the start of the 2014 judicial year, he said:

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<sup>88</sup> June 16, 2013 *Homily*, *supra* note 35.

<sup>89</sup> *Id.*

<sup>90</sup> Oct. 23, 2014 *Address*, *supra* note 1.

<sup>91</sup> Mar. 6, 2014 *Address*, *supra* note 43; *see also* May 30, 2014 *Letter*, *supra* note 68 (“The manner of God . . . reveals a higher justice which is, at the same time impartial and compassionate, without contradiction in these two aspects. Forgiveness, in fact, neither eliminates nor diminishes the need for correction, precisely that of justice, nor does it overlook the need for personal conversion, instead it goes further, seeking to reestablish relationships and reintegrate people into society.”).

[T]o be a judge requires a kind of human maturity, that is expressed in calm judgment, detached from personal views. Part of human maturity is also to be able to immerse oneself in the mentality and legitimate aspirations of the community . . . . Like this, he will become an interpreter of the *animus communitatis* which characterizes that portion of the People of God affected by his work. He will also be able to exercise justice in a way adapted to the exigencies of the concrete situation, and not in a legalistic and abstract way. . . . [S]uperficial knowledge of the situation of people awaiting his judgment will not suffice; rather, he will feel the need to enter more deeply into the situation of the parties involved, studying in depth the documents and every element relevant to the judgment.

. . . In addition to the requirements of juridical and theological doctrine, in the exercise of his ministry the judge is characterized by his knowledge of law, the objectivity of judgement [sic] and fairness, by judging with imperturbable and impartial equidistance. . . . [H]e is also guided by the intent to safeguard truth, respecting to the law, without overlooking the delicacy and humanity proper to a pastor of souls.

. . . [T]he judge is required not only to have proven competence, but also to have a genuine spirit of service. He is the servant of justice . . . .<sup>92</sup>

He made similar remarks in an address to jurists of a secular court, the *Consiglio Superiore Della Magistratura*:

[Y]ou [are] in a position of particular significance, in order to competently fulfill the duties of the office that society has entrusted to you, to maintain consistent and unquestionable impartiality; to adjudicate with objectivity and prudence, solely on the basis of the proper legal standard and, above all, to respond with the voice of steadfast integrity based on fundamental values. The independence of the judge and the objectivity of the judgment expressed require the precise and timely application of the laws in force. In a democratic society, the guarantee of rights and the balance of powers are united under the principal [sic] of legality, which the judge is tasked to safeguard.

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<sup>92</sup> Pope Francis, *Address of Pope Francis to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year*, VATICAN (Jan. 24, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco\\_20140124\\_rota-romana.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco_20140124_rota-romana.pdf).

. . . [A] judge must . . . possess the intellectual, psychological and moral qualities that guarantee integrity to such an important role. Among all qualities, the one that predominates, and I would say is specific to the judge, is prudence. . . . [It is] a virtue that moves things forward, the virtue that predisposes one to calmly ponder the reasons of law which must, in fact, be the basis of judgment.<sup>93</sup>

In contrast to these high standards for what makes a good judge, Pope Francis offers a consistent warning against those who use the power and authority of the legal system in a way that is abusive or hypocritical. In one of his harshest critiques of judges,<sup>94</sup> Pope Francis preached that “‘judging others leads us to hypocrisy’ . . . . [A] person who judges gets it wrong . . . because he takes the place of God, who is the only judge: taking that place is taking the wrong place . . . a place that isn’t his . . . . [T]he same measure will be used to judge him.”<sup>95</sup>

Yet, in spite of numerous warnings to unfaithful or abusive judges, Pope Francis also offers a perspective on what a good judge might accomplish and what attributes one should have. In a surprising compliment to jurists, he has referred to the European Court of Human Rights as “the conscience of Europe”<sup>96</sup>—high praise for a juridical body. He tempers this with a “hope that this conscience will continue to mature.”<sup>97</sup> Nevertheless, he expresses appreciation for what a judiciary may be when at its best and most mature.

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<sup>93</sup> Pope Francis, *Address of Pope Francis to Members of the “Consiglio Superiore Della Magistratura*, VATICAN (Jun. 17, 2014), [https://w2.vatican.va/content/francesco/en/speeches/2014/june/documents/papa-francesco\\_20140617\\_consiglio-superiore-magistratura.pdf](https://w2.vatican.va/content/francesco/en/speeches/2014/june/documents/papa-francesco_20140617_consiglio-superiore-magistratura.pdf) (emphasis omitted).

<sup>94</sup> This teaching arose from Pope Francis’ reflection on Matthew 7:1–5.

<sup>95</sup> June 23, 2013 *Meditation*, *supra* note 72; *see also Morning Meditation in the Chapel of the Domus Sanctae Marthae: Foolish Christians*, VATICAN (Sept. 11, 2014), [http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie\\_20140911\\_foolish-christians.pdf](http://w2.vatican.va/content/francesco/en/cotidie/2014/documents/papa-francesco-cotidie_20140911_foolish-christians.pdf) (quoting Pope Francis) (internal quotation marks omitted) (originally printed in L’OSSERVATORE ROMANO on Sept. 19, 2014) (“‘[I]t often seems that we have been appointed judges of others: gossiping, criticizing, we judge everyone’ . . . . ‘Judge not and you will not be judged; condemn not and you will not be condemned; forgive, and you will be forgiven’ . . . . ‘[W]e say it every day in the Our Father: forgive as we forgive’ . . . . ‘[I]f I do not first forgive, how can I ask the Father to forgive me?’” (quoting Pope Francis)).

<sup>96</sup> Nov. 25, 2014 *Council of Europe Address*, *supra* note 12.

<sup>97</sup> *Id.*

Thus, judges and lawyers are urged not to be like “those who made laws according to their own personal measures,”<sup>98</sup> but those who serve justice by placing themselves and their talents at the service of others in a way that is both prudent and courageous and both gentle and strong.

#### CONCLUSION

“Your job is certainly technical and legal, and consists in proposing laws, in amending them or even repealing them. But it is also necessary to instill in them something more, a spirit. I would call it a soul, one that does not only reflect the trends and ideas of the moment, but gives them the indispensable quality that elevates and ennobles the human person.”<sup>99</sup>

“[T]he Christian journey is simply about changing hearts. One’s own heart first all, and then helping to transform the hearts of others. It is about learning to live differently, under a different law, with different rules. It is about turning from the path of selfishness, conflict, division and superiority, and taking instead the path of life, generosity and love.”<sup>100</sup>

A study of Pope Francis’ views on lawyers, judges, and their vocation presents a picture of promise and peril—like fire and water. Yet, as encouragement, Pope Francis says that a vocation in law, infused with faith, can be a truly beautiful way to live one’s vocation of service and responsibility when “the light of faith is concretely placed at the service of justice, law and peace.”<sup>101</sup> He says that, contrary to what some may believe, faith does not “serve solely to build an eternal city in the hereafter; it helps us build our societies.”<sup>102</sup> He points to “[t]he Letter to the Hebrews [which] offers an example in this regard when it names,

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<sup>98</sup> Pope Francis, *Midnight Mass for the Solemnity of the Nativity of the Lord, Homily of Pope Francis*, VATICAN (Dec. 24, 2014), [http://w2.vatican.va/content/francesco/en/homilies/2014/documents/papa-francesco\\_20141224\\_omelia-natale.pdf](http://w2.vatican.va/content/francesco/en/homilies/2014/documents/papa-francesco_20141224_omelia-natale.pdf).

<sup>99</sup> Pope Francis, *Address of Pope Francis to a Delegation of French Parliamentarians from the Groupe d’Amitié France-Saint Siege*, VATICAN (June 15, 2013), [http://w2.vatican.va/content/francesco/en/speeches/2013/june/documents/papa-francesco\\_20130615\\_gruppo-amicizia-francia.pdf](http://w2.vatican.va/content/francesco/en/speeches/2013/june/documents/papa-francesco_20130615_gruppo-amicizia-francia.pdf).

<sup>100</sup> Pope Francis, *Holy Mass at Campo Grande: Homily of the Holy Father*, VATICAN (July 12, 2015), [http://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco\\_20150712\\_paraguay-omelia-nu-guazu.pdf](http://w2.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco_20150712_paraguay-omelia-nu-guazu.pdf).

<sup>101</sup> *LUMEN FIDEI*, *supra* note 2, ¶ 51.

<sup>102</sup> *Id.*

among the men and women of faith, Samuel and David, whose faith enabled them to ‘administer justice’. This expression refers to their justice in governance, to that wisdom which brings peace to the people.”<sup>103</sup> To use wisdom to bring much needed peace to people and to a peaceless world is, indeed, a noble vocation of service and responsibility.

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<sup>103</sup> *Id.* (citations omitted).