



# SALA STAMPA DELLA SANTA SEDE

# BOLETTINO

HOLY SEE PRESS OFFICE BUREAU DE PRESSE DU SAINT-SIÈGE PRESSEAMT DES HEILIGEN STUHLS  
OFICINA DE PRENSA DE LA SANTA SEDE SALA DE IMPRENSA DA SANTA SÉ  
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N. 210129e

Friday 29.01.2021

## Audience with the Tribunal of the Roman Rota on the occasion of the inauguration of the Judicial Year

This morning, in the Clementine Hall of the Vatican Apostolic Palace, the Holy Father Francis received in audience the prelate auditors, officials, lawyers and collaborators of the Roman Rota, on the occasion of the solemn inauguration of the judicial year.

Following greetings from the dean of the Tribunal of the Roman Rota, Msgr. Pio Vito Pinto, the Pope gave the following address to those present:

### Address of the Holy Father

Dear brothers and sisters,

I should speak standing up, but you know that sciatica is a somewhat bothersome guest. I apologise and I will speak seated.

I am glad to meet you on the occasion of the inauguration of the judicial year. I greet you all warmly: the dean, Msgr. Pio Vito Pinto, whom I thank for his words, the prelate auditors, the officials and the collaborators of the Tribunal of the Roman Rota.

I would like to link to last year's address, in particular the theme that affects a good part of the decisions of the Rota in recent times: on the one hand, a lack of faith, which does not enlighten the conjugal union as it should - my predecessor Benedict XVI had already denounced this publicly on three occasions - and on the other, the fundamental aspects of this union which, in addition to the union between man and woman, include the birth and gift of children and their upbringing.

We know that the jurisprudence of the Roman Rota, in harmony with papal teaching, has illustrated the hierarchy

of the good features of marriage that by clarifying that the figure of the *bonum familiae* goes well beyond the reference to the causes of nullity; despite the fact that in the past there was a certain opening to a hypothetical cause of nullity connected to the *bonum familiae*. This possibility was appropriately closed, thus strengthening the theological figure of the family, inasmuch as an effect of marriage as prefigured by the Creator. For my part, I have not failed to recommend that the *bonum familiae* not be seen in a negative way, almost as if it were to be regarded as one of the causes of nullity. Indeed, it is always and in any case the blessed fruit of the conjugal pact; it cannot be extinguished in its entirety with the declaration of nullity, as being a family cannot be considered a suspended good, inasmuch as it is the fruit of the divine plan, at least in terms of the offspring generated. Spouses with children granted by God are that new reality we call the family.

Faced with a marriage that must legally be declared null and void, the party who is not willing to accept this measure is nevertheless *unum idem* with the children. Therefore, the relevant question must be taken into account: what will happen to the children and the party who does not accept the declaration of annulment? So far everything has seemed obvious, but unfortunately it is not. It is necessary, therefore, that statements of principle be followed by adequate proposals of fact, always remembering that "the family is the foundation of society and it remains the most suitable structure for ensuring for people the integral good necessary for their continuing development" (*Address to the Federation of Catholic Family Associations in Europe*, 1 June 2017). Consequently, we are called to identify the path that leads to choices congruent with the affirmed principles. We are all aware of how difficult it is to move from principles to facts. When we talk about the integral good of people, we need to ask ourselves how this can be achieved in the many situations in which children find themselves.

The new sacramental union, which follows on from the declaration of nullity, will certainly be a source of peace for the spouse who has requested it. However, how can it be explained to children that, for example, their mother, abandoned by their father and often without the intention of contracting another matrimonial bond, may receive the Eucharist with them on a Sunday, whereas their father, living with them or awaiting the declaration of nullity of marriage, cannot receive the Eucharist? On the occasion of the Extraordinary General Assembly of the Synod of Bishops in 2014 and in the Ordinary Assembly in 2015, the Synod Fathers, reflecting on the theme of the family, posed themselves these questions, thus making themselves aware that it is difficult, at times impossible, to offer answers. However, the concerns of the Synod Fathers and the maternal care of the Church in the face of so much suffering have found a useful pastoral instrument in the Apostolic Exhortation *Amoris laetitia*. In this document, clear indications are given so that no-one, especially the young or the suffering, be left alone or treated as a means of blackmail between divided parents (cf. Apostolic Exhortation *Amoris laetitia*, 241). As you know, the "*Amoris laetitia* Year of the Family" will begin this coming 19 March. With your work, you too are making a valuable contribution to this ecclesial journey with families for the family.

Dear judges, in your judgments you do not fail to bear witness to this apostolic concern of the Church, considering that the integral good of the person demands not to remain inert in the face of the disastrous effects that a decision on matrimonial annulment may involve. Your Apostolic Tribunal, like other Tribunals of the Church too, is asked "to make the procedure in cases of nullity more accessible and less time consuming, and, if possible, free of charge" (*ibid.*, 244). The Church is mother and you, who have an ecclesial ministry in a sector as vital as judicial activity, are called to open up the horizons of this difficult, but not impossible, pastoral area which relates to the concern for children as innocent victims of many situations of rupture, divorce of new civil unions (cf. *ibid.*, 245). It is a question of exercising your mission as judges as a service filled with pastoral sense, that can never be lacking in the delicate decision on the nullity or otherwise of a conjugal union. Often the declaration of matrimonial nullity is thought of as a cold act, a mere "legal decision". But it is not, and cannot be thus. The judgments of the ecclesiastical judge cannot dispense with the memories, made up of light and shade, that mark the life, not only of the two spouses but also of the children. Spouses and children constitute a community of people, which is always and certainly identified with the good of the family, even when this has disintegrated.

We must not tire of devoting all our attention and care to the family and to Christian marriage: here you invest a large part of your concern for the good of the particular Churches. May the Holy Spirit, whom you invoke before every decision to be made on the truth of marriage, enlighten you and help you not to forget the effects of such acts: first and foremost the good of the children, their peace or, on the contrary, the loss of joy in the face of

separation. May prayer - judges must pray a lot! - and common effort highlight this human reality, which is often painful: a family that splits up and another that, as a result, is formed, undermining the unity that was the joy of the children in the previous union.

I take this opportunity to exhort every bishop - constituted by Christ the Father, Shepherd and Judge in his own Church - to be increasingly open to the challenge of this issue. It is a matter of tenaciously pursuing and completing a necessary ecclesiological and pastoral path, aimed at not leaving to the sole intervention of the civil authorities the faithful who suffer as a result of judgments they suffer rather than accept. The imagination of charity will foster evangelical sensitivity in the face of family tragedies whose protagonists cannot be forgotten. It is more urgent than ever that the Bishop's collaborators, in particular the judicial vicar, family pastoral workers and especially parish priests, should endeavour to exercise that diaconate of protection, care and the accompaniment of the abandoned spouse and possibly of the children, who suffer the decisions, albeit just and legitimate, of matrimonial nullity.

These, dear sisters and brothers, are the considerations that I would like to bring to your attention, in the certainty that you will find people ready to share them and make them your own. I express my appreciation to each one of you in particular, in the confidence that the Tribunal of the Roman Rota, an authoritative manifestation of the Church's juridical wisdom, will continue to carry out consistently its not easy *munus* in the service of the divine plan for marriage and the family. Invoking the gifts of the Holy Spirit upon you and upon your work, I cordially impart the Apostolic Blessing. And I also ask you, please, to pray for me.

And I would not like to end today without a more familiar comment among us, because our dear Dean will, in a few months, be 80 years young, and will have to leave us. I would like to thank him for the work he has done, which is not always clearly understood. Above all, I would like to thank Msgr. Pinto for the tenacity he had in carrying out the reform of matrimonial processes: one single judgment, then the short trial, which was like a novelty, but it was natural because the bishop is the judge.

I remember that, shortly after the promulgation of the short trial, a bishop called me and said: "I have this problem: a girl wants to get married in the Church; she was already married some years ago in the Church, but she was forced to get married because she was pregnant... I did everything, I asked a priest to act as judicial vicar, another to play the part of defender of the bond... And the witnesses, the parents say that yes, it was forced, that the marriage was null. Tell me, Your Holiness, what shall I do?", the bishop asked me. And I asked: "Tell me, do you have a pen to hand?" - "Yes" - "Sign. You are the judge, no fuss".

But this reform, especially the short trial, has encountered, and still encounters, a lot of resistance. I must confess that after its promulgation I received many letters, I don't know how many, but a lot. Almost all of them were lawyers who were losing their clients. And there is the problem of money. In Spain they say: "*Por la plata baila el mono*": the monkey dances for money. The saying is clear. And sadly, also this: in some dioceses I have encountered resistance on the part of the judicial vicar who, perhaps, lost a certain standing with this reform, because he realised that the judge was not him, but the bishop.

I thank Mgr Pinto for his courage and also for the strategy of pursuing this way of thinking, of judging, up to the unanimous vote, which gave me the opportunity to sign [the Document].

The dual judgment. You mentioned Pope Lambertini, a great man of the liturgy, of canon law, of common sense, even of a sense of humour, but unfortunately he had to introduce the dual judgment because of economic problems in some dioceses. But back to the truth: the judge is the bishop. He must be helped by the judicial vicar, he must be helped by the promoter of justice, he must be helped, but he is the judge, he cannot wash his hands of this. To return to this, which is the Gospel truth.

I would also like to thank Msgr. Pinto for his enthusiasm in teaching catechesis on this subject. He goes around the world teaching this: he is an enthusiastic man, but enthusiastic in every tone, because he has a bad temper too! It's a negative way - let's say - of enthusiasm. But he will have time to correct himself..., we all do! I would like to thank him! I interpret the applause as applause for his bad temper [laughter].

Thank you very much, Msgr. Pinto! Thank you! [applause]

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