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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, attorneys and collaborators of the Tribunal of the Roman Rota on the occasion of the solemn inauguration of the Judicial Year.

Following the greeting by the dean of the Tribunal of the Roman Rota, Msgr. Alejandro Arellano Cedillo, the Pope gave the following address to those present:

Address of the Holy Father

Your Excellency,

Dear Prelate Auditors,

I address my cordial greeting to each one of us, starting from the Dean, Msgr. Alejandro Arellano Cedillo, whom I thank for his words. And thank you for the last two things you asked the Pope for: comfort and blessing. I like this. It is a pastoral request. Thank you.

I greet the officials, the attorneys and the other collaborators of the Apostolic Tribunal of the Roman Rota. I extend my best wishes for the judicial year that we inaugurate today.

The synodal path we are undertaking also challenges this meeting of ours, because it also involves the judicial sphere and your mission at the service of families, especially those who are wounded, those in need of the balm of mercy [1]. In this year dedicated to the family as an expression of the joy of love, today we have the opportunity to reflect on synodality in matrimonial nullity proceedings. Although synodal work is not strictly procedural in nature, it should be placed in dialogue with judicial activity, in order to encourage a more general

rethinking of the importance of the experience of the canonical process for the lives of the faithful who have experienced a marriage breakdown and, at the same time, for the harmony of relationships within the ecclesial community. Let us then ask ourselves in what sense the administration of justice needs a synodal spirit.

First and foremost, synodality implies *walking together*. Overcoming a distorted view of marriage cases, as if they were concerned with merely subjective interests, it must be rediscovered that all the participants in the case are required to contribute towards the same objective, that of shining a light on the truth of a real union between a man and a woman, arriving at the conclusion regarding the existence or otherwise of a true marriage between them. This view of walking together towards a common goal is not new in the ecclesial understanding of these cases. In this regard, the Venerable Pius XII's address to the Roman Rota, is well-known; in it, he refers to – I quote – “the unity of purpose, which must give special form to the work and collaboration of all those who participate in the treatment of marriage cases in ecclesiastical tribunals of every level and type, and must inspire and join them in the same unity of purpose and action” [2], end quote. From this perspective, he outlined the task of every participant in the case with regard to the search for truth, while maintaining the fidelity of each to their role. This truth, if it is truly loved, becomes liberating [3].

Already in the pre-judicial phase, when the faithful find themselves in difficulty and look for pastoral help, there can be no lack of effort to discover the truth on the union, an indispensable prerequisite for the healing of wounds. In this context, one can understand the importance of commitment to promoting forgiveness and reconciliation between spouses, and also, eventually, to confirming the nullity of marriage where this is possible and prudent. In this way it may also be understood that the declaration of nullity must not be presented as if it were the sole objective to be reached when faced with a marriage crisis, or as if it constituted a right regardless of the facts. When presenting the possibility of nullity, it is necessary to make the faithful reflect on the reasons that lead them to ask for a declaration of nullity of their matrimonial consent, thus encouraging an attitude of acceptance of the final judgement, even if it does not correspond to their own convictions. Only in this way can nullity proceedings be an expression of effective pastoral accompaniment of the faithful in their matrimonial crises, which means listening to the Holy Spirit who speaks in the concrete history of individuals. Two or three years ago we spoke of the matrimonial catechumenate. Before, the first years ... [sentence unfinished].

The same objective of the shared pursuit of the truth must characterize every phase of the judicial process. It is true that in a trial there is sometimes a dialectic between contrasting theses; however, the adversarial process between the parties should always take place in sincere adherence to what appears to be true for each party, without closing in on one's own vision, but being open to the contribution of the other participants in the process. The willingness to offer one's own subjective version of the facts becomes fruitful in the context of adequate communication with others, which can also reach self-criticism. Therefore, any deliberate alteration or manipulation of the facts in order to achieve a pragmatically desired result is inadmissible. Here I pause, and apologise for stating a very great danger. When one does not overcome this, even lawyers can do terrible damage. A month ago a bishop came to complain because he had a problem with a priest. A serious problem. It wasn't marriage that was the problem; [it was] a serious discipline problem that deserved to go to trial. The bishop's lawyer, whom the bishop ... not the lawyer, sorry. The judge of the national court - I am not talking about that country or that country; a country - called the bishop and said, “I have received this. I will do what you tell me. If you tell me to condemn him, I will condemn him; if you tell me to absolve him, I will absolve him”. This can happen, it can come to this if there is not this unity in the processes even with conflicting sentences; go ahead together, for the good of the Church, the good of the people! It is a matter of negotiation. Excuse me, but this anecdote enlightened me a lot.

Going together towards the judgement applies to the parties and to their patrons, to the witnesses who are called upon to testify in accordance with the truth, for the experts who must place their knowledge at the service of the trial, and in a special way for the judges. Indeed, the administration of justice in the Church is a manifestation of the care of souls, which requires pastoral solicitude in order to be servants of salvific truth and mercy. This *ministerium veritatis* takes on a particular significance in bishops, when they judge in the first person, especially in shorter trials, and when they exercise their responsibility towards their own courts, thus also showing their paternal solicitude towards the faithful. And I return to something that I have always said from the first moment: the original judge is the bishop. The dean greeted me by [saying] with “the Pope, Supreme Judge *pro toto orbe catholico* ...” of all the Catholic world. But this is because I am bishop of Rome, and Rome

presides over everything; not because I have another title. Thank you for that. But, if the Pope has that power is it because he is bishop of the diocese whose bishop the Lord has willed to be the Pope. The true and first is the bishop, not the judicial vicar, no. The bishop.

Synodality in trials implies a *constant exercise of listening*. Here, too, it is necessary to learn to *listen*, which is not simply *hearing*. Listening is not just hearing. That is, it is necessary to understand the vision and reasons of the other, almost to identify with the other. As in other areas of pastoral care, a culture of listening, which is a prerequisite for a culture of encounter, must also be fostered in judicial activity. This is why standard answers to the concrete problems of individual persons are harmful. Each person, with his or her experience, often marked by pain, constitutes for the ecclesiastical judge the real “existential periphery” from which every judicial pastoral action must set out.

The trial also requires careful listening to what is argued and demonstrated by the parties. Of particular importance is the preliminary investigation aimed at establishing the facts, which requires those who lead it to know how to combine the right professionalism with closeness and listening. Does this take time? Yes, it takes time. Does it require patience? Yes, it requires patience. Does it require pastoral paternity? Yes, it requires pastoral paternity. Judges must be listeners *par excellence* of everything that has emerged in the trial for and against the declaration of nullity. They are bound to do so by virtue of a duty of justice, animated and sustained by pastoral charity. In fact, “mercy is the fullness of justice and the most radiant manifestation of God’s truth” (Post-Synodal Apostolic Exhortation *Amoris Laetitia*, 311). Moreover, when - as is usually the case - there is a panel of judges, each judge must be open to the reasons presented by the other members in order to arrive at a considered judgement. In this sense, in your action as ministers of the court, you must never lack a pastoral heart, a spirit of charity and understanding towards persons who suffer from the failure of their married life. To acquire such a style, it is necessary to avoid the dead end of legalism – which is a kind of legal Pelagianism, isn’t it? It is not Catholic. Juridicism is not Catholic – that is, a self-referential view of the law. Law and judgement are always at the service of truth, justice and the evangelical virtue of charity.

Another aspect of synodal processes is discernment, because the synod is not just asking for opinions, it is not an enquiry – what do you say? and you, and you? No: what one says is part of discernment, the ability to discern. And discernment is not easy. It is a discernment based on walking together and listening, and which allows one to read the real matrimonial situation in the light of the Word of God and the Magisterium of the Church. The judges’ decision thus appears as a way of entering into the reality of a vital event, in order to discover in it the existence or otherwise of that irrevocable event which is the valid consent on which marriage is founded. Only in this way can the laws relating to individual forms of matrimonial nullity be fruitfully applied, inasmuch as they are expressions of the doctrine and discipline of the Church on marriage. This is where the prudence of law operates, in its classic sense of *recta ratio agibilium*, that is, the virtue that judges according to reason, that is, with rectitude in the practical sphere. Returning to that example: “What do you want? Do I condemn him or free him?”

The outcome of this journey is the *judgement*, the fruit of careful discernment that leads to an authoritative word of truth about personal experience, thus highlighting the paths that can be opened up from there. The judgement must therefore be comprehensible to the persons involved: only in this way will it become a moment of special significance in their human and Christian journey.

Dear prelate auditors, these considerations, which I would like to bring to your attention, show how the dimension of synodality makes it possible to highlight the essential characteristics of the process. I encourage you, therefore, to continue with fidelity and renewed industriousness your ecclesial ministry at the service of justice, inseparable from truth and, ultimately, from the *salus animarum*. This work manifests the merciful face of the Church: a maternal face that bends down over every member of the faithful to help them to make the truth about themselves, lifting them up from their defeats and labours and inviting them to live to the full the beauty of the Gospel.

I reiterate my esteem and gratitude to each one of you. I ask the Holy Spirit to accompany your activity always and I bless you from my heart. And do not forget to pray. May prayer always accompany you. “I am busy, I have

so many things to do ...” The first thing you must do is pray. Pray that the Lord may be close to you. And also to know the heart of the Lord: we know him in prayer. And judges should pray, and they must pray twice or three times as much. Please also, don't forget to pray for me. You understand. Thank you.

[1] Bull *Misericordiae Vultus* 5: AAS 107 [2015], 402.

[2] Address to the Roman Rota, 2 October 1944: AAS 36 [1944], 281.

[3] Cfr Gv 8:32.
