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Audience with participants in the formation court for legal practitioners, organized by the Tribunal of the Roman Rota

This morning, the Holy Father Francis received in audience, in the Vatican Apostolic Palace, the participants in the formation course for legal practitioners entitled “The *Ministerium Iustitiae* in the synodal action of the Church”, organized by the Tribunal of the Roman Rota, taking place from 14 to 18 February 2023.

The following is the address delivered by the Pope to those present at the audience:

Address of the Holy Father

Dear brothers and sisters, good morning and welcome!

I thank the Dean for his words. I greet you all: after what he said, I don’t know what to say, because he has already said everything well – thank you! This initiative of the course for practitioners of canon law and family pastoral care that forms part of the Roman Curia’s multi-faceted service to the evangelizing mission of the Church, in accordance with the spirit of the Apostolic Constitution *Praedicate Evangelium*.

We might wonder: in what sense is a course in canon law connected with evangelization? We are accustomed to thinking that canon law and the mission of spreading the Good News of Christ are two separate realities. Instead, it is decisive to discover the link that unites the two within the single mission of the Church. One might say, schematically: there is no law without evangelization, nor evangelization without law. Indeed, the core of canon law regards the goods of communion, first and foremost the Word of God and the Sacraments. Every person and every community have the right – they have the right – to the encounter with Christ, and all the legal norms and acts tend to foster the authenticity and fruitfulness of this right, that is, of this encounter. Therefore, the supreme law is the salvation of souls, as affirmed by the final canon of the Code of Canon Law (cf. can. 1752). Church law thus appears intimately linked to the life of the Church, as a necessary aspect of it, that of justice in preserving and transmitting salvific goods. In this sense, evangelizing is the primordial juridical commitment, both of the pastors and of all the faithful. It is what makes the difference, for example, between

priests, between a pastor and a state clerk. The first, the pastor of the people, evangelizes and fulfils this primary right; the state clerk, a sort of court curator, carries out a function but does not satisfy the right of peoples to be evangelized.

Dear legal practitioners in the Church, you probably have in mind the words Pope Benedict XVI wrote to the seminarians. He said, “Learn also to understand and – dare I say it – to love canon law, appreciating how necessary it is and valuing its practical applications: a society without law would be a society without rights. Law is the condition of love” (*Letter to Seminarians*, 18 October 2010, no. 5). Your work deals with rules, processes and sanctions, but you must never lose sight of rights, putting people, who are the subjects and objects of law, at the centre of your work. These rights are not arbitrary claims, but objective goods, aimed at salvation, to be recognized and protected, without forgetting respect for natural goods within the ecclesial community. You, as legal scholars, have a special responsibility to make the truth of justice shine in the life of particular Churches: this task is a major contribution to evangelization.

From this perspective, you are required to know and to observe faithfully the canonical rules, always keeping in mind the good that is at stake, as is essential to interpret and apply these norms with justice. The canonist's mission is not a positivistic use of the canons to seek convenient solutions to legal problems or to attempt certain “balancing acts”. Understood in this way, his or her actions would either serve any interest, or seek to trap life in rigid formalistic and bureaucratic frameworks that neglect true rights. The most important principle, that of evangelization, must not be forgotten: reality is superior to the idea, the reality of life is superior to the formal, always; reality is superior to any idea, and this reality must be served with the law. The greatness of your task emerges from a vision in which canon law, without forgetting the equity of the individual case, is implemented through the virtues of juridical prudence that discerns what is truly just. To arrive from the universal to the concrete universal and the concrete: here is a way of judicial wisdom. A judgement or a judicial help are not done with balances or imbalances, they are done through this wisdom. It takes sciences, it takes the capacity for listening; above all, brothers and sisters, it takes prayer to judge well. In this way, neither the common needs for the common good inherent in laws, nor the due formality of the acts are neglected, but the whole is placed within a true ministry of justice.

You have rightly placed the administration of justice within the context of the Church's synodal action. Last year, I spoke of the synodality that is intrinsic to the matrimonial nullity process (cf. *Address to the Rota Romana*, 27 January 2022). The same consideration also applies to all those involved in the proceedings to grant the dispensation from the unconsummated marriage. And the synodal spirit must be lived in all your juridical tasks. Walking together, listening to each other and invoking the Holy Spirit, is an indispensable condition for being just practitioners. A tangible manifestation of this is the need to seek advice, to seek the opinion of those who have more knowledge and experience, with that humble and constant desire to always learn in order to better serve the Church in this area. And it is the Holy Spirit who counsels you: you must ask advice not only for a specific legal interpretation, to have balance; no, ask advice to receive the creativity that the Holy Spirit, with the gift of counsel, gives you every time you must issue a sentence. This is important.

Dear family pastoral workers, I also address you, and I am pleased with your participation in this Course. Starting from the two Letters issued Motu proprio, *Mitis Iudex* and *Mitis et misesricors Iesus*, awareness of the interaction between family pastoral care and ecclesiastical tribunals has increased, seen also in their specific roles as pastoral entities. On the one hand, an integral pastoral care of the family cannot ignore the legal questions regarding marriage. It suffices to think, for example, of the task of preventing marriage nullity during the phase prior to the celebration, and also accompanying couples in crisis situations, including directing them to the Church courts when it is plausible that there is a ground for nullity, or advising them to start the procedure for dispensation by unconsummation. On the other hand, court practitioners can never forget that they are dealing with matters that have a strong pastoral relevance, so that the demands of truth, accessibility and prudent celerity must always guide their work; and the duty to do everything possible for reconciliation between the parties or the validation of their union, as I recalled again in my Address to the Rota last year, must not be overlooked either. As Saint John Paul II said, “true justice, enlived by charity and tempered by equity, always merits the descriptive adjective pastoral” (*Address to the Roman Rota*, 18 January 1990, no. 4): in the midst of the flock, with the odour of the flock, and seeking the progress of the flock.

These, dear brothers and sisters, are the considerations I entrust to you, knowing the spirit of fidelity that inspires you and the commitment you give to fully implement the norms of the Church, in the search for the true good of the People of God. I entrust each one of you, and I entrust your daily work, to Our Lady, Mirror of justice. I wholeheartedly bless you; please, do not forget to pray for me. Thank you!