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# **BOLLETTINO**

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## **Opening of the 95th Judicial Year of the Tribunal of the Roman Rota**

This morning, in the Vatican Apostolic Palace, the Holy Father Francis presided over the inauguration of the 95th Judicial Year of the Tribunal of the Roman Rota.

The following is the Pope's address to those present:

### **Address of the Holy Father**

Dear Prelate Auditors,

I am pleased to receive you, as every year, together with those who work in the context of this Apostolic Tribunal. I thank the Dean and all of you for the valuable service you render to the Petrine ministry with regard to the administration of the justice of the Church.

Today I would like to reflect with you on a capital aspect of this service, an aspect on which I have often returned, also with a cycle of catechesis, namely the theme of *discernment*. I intend to focus on that specific discernment that you are required to realize in the field of marriage annulment procedures, concerning the existence or otherwise of the reasons to declare the nullity of a marriage. I think of your collegial justice in the Rota, of that fulfilled by the local collegial tribunals, or, when this is not possible, by the single judge assisted perhaps by two assessors, as well as the pronouncement issued by the diocesan bishop himself, especially in shorter trials, in consultation with the examiner and the assessor.

This is an ever-relevant theme, which has also concerned the area of the implemented reform of matrimonial nullity processes as well as family pastoral care, inspired by mercy towards the faithful in problematic situations. On the other hand, the abolition of the requirement of a double compliant judgement in nullity cases, the introduction of the shorter trial before the diocesan bishop, as well as the effort to streamline and make the work of the courts more accessible, must not be misunderstood, and the need to serve the faithful with a ministry that helps them to grasp the truth about their marriage must never be neglected. It is a service, a service that we

give. As I affirmed in the preface to the Motu proprio *Mitis Iudex Dominus Iesus*, the aim of favouring “not the nullity of marriages, but the speed of processes as well as the simplicity due them, lest the clouds of doubt overshadow the hearts of the faithful awaiting a decision regarding their state because of a delayed sentence”. Therefore, following in the footsteps of my Predecessors, I wanted “cases of nullity to be handled in a judicial rather than an administrative way, not because the nature of the matter demands it, but rather due to the unparalleled need to safeguard the truth of the sacred bond: something ensured by the judicial order”.

At the same time, highlighting the importance of mercy in family pastoral care, as I did in particular with the Apostolic Exhortation *Amoris Laetitia*,<sup>[1]</sup> does not diminish our commitment to the pursuit of justice with regard to causes of nullity. On the contrary, precisely in the light of mercy towards people and their consciences, judicial discernment on nullity is important. It possesses an irreplaceable pastoral value and fits harmoniously into the overall pastoral care due to families. Saint Thomas Aquinas’ statement: “Mercy does not weaken justice, but is the perfection of justice” is thus realized.<sup>[2]</sup>

As you well know by experience, the task of judging is often not easy. Reaching moral certainty regarding nullity, overcoming in the concrete case the presumption of validity, implies carrying out a discernment to which the entire case, especially the preliminary investigation, is ordered. Such discernment constitutes a great responsibility entrusted to you by the Church, because it strongly influences the life of people and families. It is necessary to face this task with courage and lucidity but, first of all, it is decisive to count on the light and the strength of the Holy Spirit. Dear judges, *without prayer, justice cannot be done*. If one of you does not pray, it is best for him to resign. In the *Adsumus*, the beautiful invocation of the Paraclete that is recited in the meetings of your Tribunal, it says: “We are here before you, Holy Spirit, we are all gathered in your name. Come to us, assist us, descend into our hearts. Teach us what we must do, show us the path to follow together. Let not justice be wronged by us sinners, let us not be led astray by ignorance, let not human sympathy render us partial, for we are one in you and in nothing do we depart from the truth. Let us always remember this: discernment is performed “on our knees” – and if a judge does not know how to kneel in prayer, it is best for him to resign – imploring the gift of the Holy Spirit: only in this way do we arrive at decisions that lead in the direction of the good of individuals and the entire ecclesial community.

The objectivity of judicial discernment demands, then, to be free of any prejudice, either for or against the declaration of nullity. This implies freeing oneself of both the rigorism of those who would claim absolute certainty and of an attitude inspired by the false conviction that the best answer is always nullity, which Saint John Paul II called the “risk of false compassion that ... would be pastoral appearance alone”. In reality, the Pope continued, “the roads leading away from justice and truth end up in serving to distance people from God, thus yielding the opposite result from that which was sought in good faith”.<sup>[3]</sup>

The discernment of the judge requires two great virtues: prudence and justice, which must be informed by charity. There is an intimate connection between prudence and justice, because the exercise of the *prudential iuris* is aimed at the knowledge of what is just in the specific case. A prudence, therefore, which does not concern a discretionary decision, but a declarative act on the existence or non-existence of the good of marriage; therefore, a juridical prudence which, to be truly pastoral, must be just. Just discernment implies an act of pastoral charity, even when the ruling is negative. And also a risk.

Discernment on the validity of the bond is a complex operation, in respect of which we must not forget that the interpretation of ecclesiastical law must be made in the light of the truth on indissoluble marriage, which the Church safeguards and spreads in her preaching and mission. As Benedict XVI taught, “It follows that the interpretation of canonical law must take place within the Church. This is not a matter of mere external circumstance, subject to the environs: it is a calling to the same *humus* of Canon Law and the reality regulated by it. *Sentire cum Ecclesia* takes on meaning also within the discipline, by reason of the doctrinal foundations that are always present and operative within the legal norms of the Church”.<sup>[4]</sup>

I ask you this, judges: to feel with the Church. And I ask you, each one of you: do you pray, to feel you are with the Church? Are you humble in prayer, asking for light from the Lord, to feel you are with the Church? I return to this: the judge’s prayer is essential to his task. If a judge does not pray or cannot pray, he had better go and do

another job.

Finally, I would like to recall that discernment on nullity is supported and guaranteed by its synodal nature.[5] When the tribunal is collegial, as is usually the case, or when there is only one judge but he consults with those in authority, discernment takes place in an atmosphere of dialogue or discussion, in which frankness and mutual listening are fundamental, for the common pursuit of the truth. It is also a prior and serious study. As I have already said, in this service it is essential to invoke the Holy Spirit, as we endeavour to employ all human means to ascertain the truth. For this reason, it is important that the preliminary investigation be carried out carefully, so as not to incur a hasty and aprioristic judgement, just as it is necessary that, in order to adequately fulfil his *munus*, the judge cultivate his ongoing formation through the study of jurisprudence and juridical doctrine. You, dear Prelate Auditors, have a special responsibility to judge: therefore, I recommend to you docility to the Holy Spirit.

I entrust your work to Mary Most Holy, *Virgo prudentissima* and *Speculum iustitiae*, and I bless you from my heart. Please, do not forget to pray for me, because this job is not easy! At times it is enjoyable, but it is not easy. Thank you.

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[1] Cf. in particular Chapter VIII.

[2] *Summa Theologiae*, I, q. 21, a. 3, at 2. Cf Post Synodal Apostolic Exhortation *Amoris laetitia*, 311.

[3] *Address to the Roman Rota*, 18 January 1990, no. 5.

[4] *Address to the Roman Rota*, 21 January 2012.

[5] Cf. *Address to the Roman Rota*, 27 January 2022.

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