



The Holy See

**ADDRESS OF HIS HOLINESS BENEDICT XVI
TO MEMBERS
OF THE SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURA**

Consistory Hall

Friday, 4 February 2011

Your Eminences,

Venerable Brothers in the Episcopate and in the Priesthood,

Dear Brothers and Sisters,

I would like first of all to offer my cordial greeting to Cardinal Raymond Leo Burke, Prefect of the Apostolic Signatura, whom I thank for his address at the beginning of this Meeting. I greet the Cardinals and Bishops who are Members of the Supreme Tribunal, the Secretary, the Officials and all the co-workers who carry out their daily service in the Dicastery. I also extend a cordial greeting to the Referendaries and the Advocates.

This is my first opportunity to meet the Supreme Tribunal of the Apostolic Signatura after the promulgation of the *Lex propria* [Proper Law], which I signed on 21 June 2008. It was precisely in the preparation of this law that there emerged the desire of the Members of the Signatura to devote a regular *Congregatio plenaria* [plenary assembly] — in the form common to every Dicastery of the Roman Curia (*cf.* Apostolic Constitution *Pastor Bonus*, 28 June 1988, art. 11; General Regulation of the Roman Curia [Regolamento Generale della Curia Romana], 30 April 1999, articles 112-117) — to furthering the correct administration of justice in the Church (*cf.* *Lex propria*, art. 112). Indeed, this Tribunal's area of responsibility is not limited to the highest exercise of the judicial function, but also includes the duty, in the realm of executive governance, to exercise vigilance over the correct administration of justice in the community of the Church (*cf.* Apostolic Constitution *Pastor Bonus*, art. 121; *Lex propria*, art. 32).

Among other things, as the *Lex propria* points out, this entails maintaining an up-to-date body of information on the state and activity of the local tribunals by means of the annual report which

each tribunal is bound to send to the Apostolic Signatura. It also involves the organization and elaboration of the data that comes from these reports; the identification of strategies for an appropriate use of human and institutional resources in the local tribunals, as well as the constant practice of communicating with the Bishop-Moderators of the diocesan and interdiocesan tribunals, who have direct responsibility, institutionally, for the administration of justice.

This is a coordinated and patient task which aims above all to provide for the faithful the correct, rapid and efficient administration of justice, as I requested with regard to causes of nullity of marriage in the Post-Synodal Apostolic Exhortation *Sacramentum Caritatis*: “When legitimate doubts exist about the validity of the prior sacramental marriage, the necessary investigation must be carried out to establish if these are well-founded. Consequently there is a need to ensure, in full respect for canon law, the presence of local ecclesiastical tribunals, their pastoral character, and their correct and prompt functioning. Each diocese should have a sufficient number of persons with the necessary preparation, so that the ecclesiastical tribunals can operate in an expeditious manner. I repeat that ‘it is a grave obligation to bring the Church’s institutional activity in her tribunals ever closer to the faithful’ ” (n. 29). On that occasion I did not fail to refer to the Instruction *Dignitas Connubii*, which provides judges and the other ministers of tribunals with the necessary norms — in the form of a *vademecum* — so that causes of matrimonial nullity may be addressed and defined in the most rapid and reliable way.

The Apostolic Signatura carries out certain activities in order to ensure that ecclesiastical tribunals are present in the territory concerned and that their ministry is in line with the proper requirements of speed and simplicity to which the faithful are entitled in the treatment of their cases. According to its competence it encourages the establishment of interdiocesan tribunals, provides prudently for dispensing tribunal ministers from academic qualifications while carefully verifying their true expertise in substantive and procedural law, and grants the necessary dispensations from procedural laws when the exercise of justice requires in a specific case the *relaxatio legis* in order to achieve the purpose intended by the law. This also is an important work of understanding and application of procedural law.

However, vigilance over the correct administration of justice would be inadequate if it did not also entail the function of safeguarding correct jurisprudence (*cf. Lex propria*, art. 111, §1). The means for knowing and for intervening, which the *Lex propria* and its own institutional position provide to this Apostolic Signatura, permit it to act in a manner that, in synergy with the Tribunal of the Roman Rota (*cf. Apostolic Constitution Pastor Bonus*, art. 126), proves providential for the Church. The exhortations and prescriptions which this Apostolic Signatura includes in its responses to the annual reports of the local tribunals not infrequently recommend to the respective Bishop-Moderators knowledge of and adherence to not only the directives proposed in the Pope’s annual Addresses to the Roman Rota, but also common Rotal jurisprudence regarding specific aspects that are crucial to the individual tribunals. I therefore also encourage the reflection, with which you will be engaged in these days, on the correct jurisprudence to propose to the local tribunals in the

matter of *error iuris* as a cause of matrimonial nullity.

This Supreme Tribunal is likewise committed to another sensitive area of the administration of justice, which was entrusted to it by the Servant of God Paul VI; in fact, the Signatura adjudicates controversies which have arisen from acts of ecclesiastical administrative power and have been brought to it by means of recourses legitimately proposed against individual administrative acts, whether issued by the Dicasteries of the Roman Curia or approved by them (*cf.* Apostolic Constitution *Regimini Ecclesiae Universae*, 15 August 1967, n. 106; CIC, can. 1445, § 2: Apostolic Constitution *Pastor Bonus*, art. 123; *Lex propria*, art. 34). This is a service of primary importance: the provision of instruments of justice — from the peaceful settlement of disputes to their judicial treatment and resolution — offers a place for dialogue and for the restoration of communion in the Church.

If it is indeed true that injustice should be confronted first of all with the spiritual weapons of prayer, charity, forgiveness and penance, nonetheless it cannot be excluded in certain cases that it is appropriate and necessary for it to be addressed by procedural means. The latter constitute above all occasions for dialogue which sometimes lead to harmony and reconciliation. It is not by chance that the procedural norms provide that in *limine litis*, indeed, at every stage of the trial, an opening and an opportunity be offered so that, “whenever someone feels injured by a decree, there not be a contention between this person and the author of the decree but that care be taken by common counsel to find an equitable solution between them, perhaps through the use of respected persons in mediation and study so that the controversy may be avoided or solved by some suitable means” (CIC, can. 1733 § 2). To this end initiatives and norms are also encouraged which aim at establishing offices or councils whose duty, according to norms to be established, is to seek and suggest equitable solutions (*cf. ibid.*, § 2).

In other cases, that is, when it is impossible to settle the controversy peacefully, the carrying out of the contentious-administrative process will bring about a judicial resolution of the dispute. In this case too, the activity of the Supreme Tribunal aims to reconstitute ecclesial communion, namely, to re-establish an objective order in conformity with the good of the Church. Only this communion re-established and justified through the motivation of the judicial decision can lead to genuine peace and harmony within the ecclesial structure.

This is the meaning of the well-known principle: *Opus iustitiae pax*. The demanding re-establishment of justice is destined to reconstruct just and orderly relations among the faithful, and between them and ecclesiastical Authority.

Indeed, the inner peace and the willing collaboration of the faithful in the Church’s mission derive from the re-established awareness that they are acting in full accord with their vocation. Justice, which the Church pursues through the contentious-administrative process, can be considered as a beginning, a minimal requirement and at the same time an expectation of charity, at once

indispensable and yet insufficient, if it is compared with the charity on which the Church lives. Nevertheless the pilgrim People of God on earth will be unable to realize its identity as a community of love unless it takes into consideration the demands of justice.

I entrust to Mary Most Holy, *Speculum Iustitiae* and *Regina Pacis*, the prized and delicate ministry which the Apostolic Signatura carries out at the service of communion in the Church, while I express to each one of you the assurance of my esteem and my appreciation.

I invoke the light of the Holy Spirit upon you and upon your daily work and I impart my Apostolic Blessing to you all.