



SALA STAMPA DELLA SANTA SEDE **BOLLETTINO**

HOLY SEE PRESS OFFICE BUREAU DE PRESSE DU SAINT-SIÈGE PRESSEAMT DES HEILIGEN STUHL
OFICINA DE PRENSA DE LA SANTA SEDE SALA DE IMPRENSA DA SANTA SÉ
BIURO PRASOWE STOLICY APOSTOLSKIEJ دار الصحافة التابعة للكرسي الرسولي

N. 200221a

Friday 21.02.2020

Audience with participants in the Plenary of the Pontifical Council for Legislative Texts

This morning the Holy Father Francis received in audience the participants in the plenary of the Pontifical Council for Legislative Texts, and gave the following address to those present:

Address of the Holy Father

Mister Cardinals,

Dear brothers in the episcopate and in the priesthood,

Dear brothers and sisters!

I am pleased to welcome you today for the first time, at the end of your plenary session. I thank the President for recalling the spirit in which your work was conducted, which had as its subject the outline of the revision of Book VI of the Code of Canon Law, *De sanctionibus in Ecclesia*. This meeting gives me the opportunity to thank you for your service which, in the name and with the authority of the Successor of Peter, you perform for the benefit of the Churches and Pastors (cf. *Christus Dominus*, 9). The specific collaboration of your Dicastery is defined in the Constitution *Pastor Bonus* (cf. Articles 154-158), which summarises it as assistance to the legislative function of the Supreme Pontiff, the universal Legislator, the correct interpretation of the laws enacted by him, assistance to other Dicasteries in matters of canon law, and the supervision of the legitimacy of normative texts enacted by legislators under the supreme authority.

The Pontifical Council for Legislative Texts, through various initiatives, also undertakes to offer its help to the Pastors of the particular Churches and the episcopal conferences for the correct interpretation and application of the law; more generally, in disseminating knowledge of and attention to it. It is necessary to re-acquire and deepen the true meaning of law in the Church, the Mystical Body of Christ, where the preeminence is of the Word of God and the Sacraments, while the juridical norm has a necessary but subordinate role in the service of communion. In this regard it is opportune that the Dicastery should help to make people reflect on a genuine

legal formation in the Church, enabling an understanding the pastoral nature of canon law, its instrumentality with regard to the *salus animarum* (can. 1752), and its necessity for obedience to the virtue of justice, which must always be affirmed and guaranteed.

From this perspective, Benedict XVI's invitation in his *Letter to Seminarians* is very timely, and valid for all the faithful: "Learn 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" (5). Making the laws of the Church known and applying them is not a hindrance to the presumed pastoral "effectiveness" of those who want to solve problems without law, but rather a guarantee of the search for solutions that are not arbitrary, but instead truly just and, therefore, truly pastoral. By avoiding arbitrary solutions, the law becomes a valid bulwark in defence of the least and the poor, a protective shield for those who risk falling victim to the powerful. We see today in this context of piecemeal world war, we see the lack of law, always. Dictatorships are born and grow without law. In the Church this cannot happen.

The theme under study in your Plenary also follows in this direction, to point out that criminal law is also a pastoral instrument and as such must be considered and accepted. The bishop must be increasingly aware that in his Church, of which he is constituted as pastor and head, he is therefore also a judge among the faithful entrusted to him. But the role of judge always has a pastoral imprint inasmuch as it aims at communion among the members of the People of God. This is what is prescribed in the current Code: when the Ordinary has ascertained that by other means dictated by pastoral concern it has not been possible to obtain sufficient reparation for an injustice, the restoration of justice, the amendment of the offender, only then must he initiate the judicial or administrative procedure to inflict or declare the penalties appropriate for the purpose (cf. can. 1341). From this it can be deduced that the criminal sanction is always the *extrema ratio*, the extreme remedy to which recourse is made when all other possible ways of achieving regulatory compliance have proved ineffective.

In contrast to what is provided for by the State legislature, canonical punishment always has a pastoral significance and pursues not only a function of respect for the law, but also reparation and above all the good of the guilty person himself. The aim of reparation is to restore, as far as possible, the conditions preceding the violation which disturbed communion. Indeed, every crime affects the whole of the Church, whose communion has been violated by those who deliberately attack it with their own behaviour. The aim of the recovery of the individual emphasises that canonical punishment is not a merely coercive instrument, but instead has a distinctly medicinal character. Ultimately, it represents a positive means for the realisation of the Kingdom, for rebuilding justice in the community of the faithful, who are called to personal and common sanctification.

The task of revising Book VI of the Latin Code, in which you have been engaged for some years and which reaches a conclusion with this Plenary, moves in the right direction: to update the criminal law to render it more organic and in conformity with the new situations and problems of the current socio-cultural context, and at the same time to offer suitable tools to facilitate its application. I urge you to continue with tenacity in this task. I pray for this and bless all of you and your work. And please do not forget to pray for me, because I too must be a judge. Thank you.
