

BACKGROUND AND REFLECTIONS ON THE 2015 SYNOD **(ABOUT POPE FRANCIS FOR PEOPLE IN THE PEW)**

PART 7

What Has Pope Francis Done Thus Far? (Continued)

Here we continue with the two motu proprio of Pope Francis with which PART 6 ended. These documents were signed by Francis on September 8, 2015 (The Nativity of Mary).

These two documents emphasize Christ's mercy and meekness. Note carefully their titles, both in Latin: the one for the Western Church is Mitis Iudex Dominus Iesus ("The Gentle Judge, the Lord Jesus") and the one for the Eastern Church is Mitis et misericors Iesus ("The Meek and Merciful Jesus"). These changes will begin to take place on the first day of the Holy Year of Mercy which is December 8 (The Immaculate Conception of the Blessed Virgin Mary). Note, then, that the changes go into effect on December 8, 2015, which is the start of the Year of Mercy: this in itself says something very powerful!

On the plane back to Europe after his United States visit, the holy Father made it very clear that his 2 motu proprio statements were not about divorce, the dissolving of a marriage, because a true sacramental marriage cannot be dissolved; the process "is to show that what appeared to be a sacrament was in fact not a sacrament, for instance, due to lack of freedom, or lack of maturity or mental illness" (Francis). A Vatican-appointed commission consisting of canon lawyers spent the past year trying to establish ways to simplify the process while protecting the principle of marriage's indissolubility (it cannot be broken). This idea will and has come up a number of times in these comments/reflections because it is very important for us to understand this! These changes are designed to streamline the process out of "concern for the salvation of souls" (Francis) while keeping Catholicism's traditional ban on divorce (the breaking up or breaking apart of a real marriage). For Pope Francis, this reform is "no less than a just simplicity [whose] aim is that the heart of the faithful awaiting clarification [of their marital status] is not long oppressed by the darkness of doubt" (Francis, before he came to the United States). I realize that the above is a little repetitive but I want to be sure each of us understands the matter fully and correctly.

The present process regarding annulments [before Francis made the above changes to start in December 2015] is cumbersome, expensive, and at times unfair. "By expediting and simplifying annulments [in the new changes], the pope is demystifying a process that has a reputation for being complicated and expensive" (Candida Moss, theological writer for Crux, online at www.cruxnow.com). "[Francis] has not changed the dogmatic and theological principles which underlie the annulment process [but] he has instead worked to make it less cumbersome and less expensive" (Father Kevin McKenna, canon lawyer and pastor) [actually Francis has stated clearly that he wants no cost to be associated with annulments]. Moreover, the whole procedure is to become more private and the whole tone of the process is to be done more kindly.

In streamlining the annulment process, Pope Francis was not the first pope to think of doing that: his predecessor, Pope Benedict XVI, pushed for such a reform but he was blocked by the Curia in that effort. Because the streamlining of the process makes it faster or quicker and simpler, in that sense we can say that it is easier to get an annulment (but the process itself has not changed).

In the new process, the bishop becomes more involved. This reform "responds to the pope's desire to have a more collegial Church, with bishops helping in Church governance as called for by the Second Vatican Council (1962-1965). Francis is putting great trust and confidence in the diocesan bishops." (Monsignor Pio Vito Pinto, dean of the Roman Rota, the main canon law court in Rome dealing with marriage cases) Pinto added that "the new process won't be an easy one, and referred to the solemn responsibility of the bishops to prevent abuses" (Inés San Martín, Vatican correspondent for Crux, at <http://www.cruxnow.com/church/2015/09/08/pope-francis-streamlines-process-for-granting-annulments>). "One judge [instead of several as now], under the responsibility of

the bishop, is enough to oversee the process [and] under certain circumstances, each bishop can himself serve as the judge” (Inés San Martin). Furthermore, once the decision is made here under the bishop, the decision does not have to go to a second tribunal to be scrutinized as is the case in the present procedure. This certainly saves time!

In cases of obvious clarity and no disputes, the involved drawn-out process for annulments is not used. “[The Pope] established a ‘brief process’ by which diocesan bishops can recognize the nullity [non-existence] of a union when both parties agree and have overwhelming proof that their union did not meet at least one of the Catholic requirements for a sacramental marriage” (Sacraments: Papal Decrees Seek Faster Annulments in the Signs of the Times section of America magazine [Jesuit], September 28, 2015); note that this is much better ministry than was done in the past. Here the annulment needs to be evident. Some media called and call this the “45 day annulment.” At this point, so that there is no misunderstanding possible, I need to say that only a minority of regular cases fall into this category. However, whenever this does happen, the procedure then is speeded up.

Before the 2015 Synod, Francis did state that the Church should look at real ignorance of faith as a reason for nullity. And in 2013 “like his [Francis] predecessor, Pope Benedict XVI, Pope Francis used his addresses to the Roman Rota to advocate for such a reform. (In 2013, Benedict had asked the tribunal [the Rota] to consider ‘lack of faith’ as a reason for annulment).” (Inés San Martin) And recall what Pope Francis said about his predecessor as Buenos Aires archbishop stating that half the marriages celebrated are essentially invalid (never existed) because people enter into them not realizing that marriage is a life-long commitment (as we already saw in PART 6 – APPENDIX). Father Frank Morrissey, Professor of Canon Law at Saint Paul University in Ottawa and world-renowned canon lawyer, has stated that the addition of lack of faith as grounds for an annulment will make a big difference (“just to have that on the list [of grounds] is a major, major step” – Morrissey); Father Morrissey also stated that it will take a few years to get everything running smoothly to establish the new procedures for annulments.

Here let me remind you and me again of something that is very crucial in all this: “in the case of an annulment, the Church is not dissolving a marriage. Instead, it is declaring that no marriage existed in the first place, explaining why the term ‘remarriage’ does not apply in these situations [strictly speaking].” (Inés San Martin) This is absolutely correct but sometimes the professional language uses the term “separated/divorced Catholics who are remarried” and in these comments/reflections I use the same expression: this is not to say Inés San Martin is wrong but this second expression in our discussion means “remarried in the civil sense,” i.e., here we have two civil marriage rituals. Keep your eye on the context and you will not have any problems in this regard!

I end this section with three thoughts we need to keep before us at this point. Firstly, it is very important to be very clear that Francis is not calling for annulments and the process here to be eliminated. The getting of an annulment is still needed by Catholics who are divorced and remarried. Secondly, our world moves at a very fast pace. This does not mean that all the changes outlined above will be affected overnight. We need to change the relevant canons in Canon Law, for example, to help today’s Church to discern whether a valid sacramental marriage indeed exists when questions about it come up; so cultivate patience – we will all need it! And lastly, pray hard that the Holy Spirit will be with us in all this. Amen.

TO BE CONTINUED

Father Fred Scinto, C.R.,
Resurrection Ministries,
Waterloo, Ontario.
(fscinto@rogers.com)