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Editorial

The first semester of 2024 opened, for the judicial life of the Church, with a call of particular significance. In the Address delivered to the Tribunal of the Roman Rota for the inauguration of the judicial year, on 25 January 2024, Pope Francis placed at the centre of reflection the theme of judicial discernment, especially in causes of matrimonial nullity. The ecclesial act of judging, according to this perspective, cannot be reduced to a purely technical exercise, nor to a mechanical application of the norm. It is a service to truth, justice, the conscience of the faithful, and ecclesial communion. From this starting point, this issue of *Scientia Canonica* also takes shape, presenting itself to readers with a renewed cover. It is a sober but significant change, intended to make the identity of the journal more recognisable and to accompany a new phase in its scientific and editorial journey. The graphic appearance changes, but the purpose of the publication remains unchanged: to offer a qualified space for study, dialogue, and deeper reflection at the service of canonical science and the life of the Church.

The contributions gathered in this issue, although diverse in the subjects they address, converge around the same guiding thread: canon law is called to safeguard the truth of the Church through juridical forms that are just, prudent, and genuinely pastoral. Ecclesial justice is not foreign to the mission of the Church, but constitutes a necessary dimension of it, especially when what is at stake is the matrimonial bond, the protection of rights, the proper exercise of authority, penal responsibility, and the credibility of the canonical order. The Address of Pope Francis to the Roman Rota, published in this issue, offers the hermeneutical key to the entire volume. Judicial discernment is presented as an act requiring prudence, justice, pastoral charity, inner freedom, and a sincere search for truth. In particular, the Pope recalls that the reform of matrimonial processes cannot be interpreted as a facilitation of nullity, but as a more solicitous and more accessible service to the truth of the

bond. Mercy, in this perspective, does not weaken justice, but brings it to fulfilment when justice is exercised according to truth.

In continuity with this approach stands the study by Msgr. Mário Leite de Oliveira on the Circular Letter of the Supreme Tribunal of the Apostolic Signatura and on art. 12 of the Agreement between the Holy See and the Federative Republic of Brazil. The article clearly shows the role of the Apostolic Signatura as the superior controlling body of the Holy See in the procedure aimed at the civil recognition of ecclesiastical decisions in matrimonial matters. The question, apparently technical, instead reveals an essential point: canonical justice, when it affects the status of persons, does not remain confined to an abstract sphere, but can also produce relevant consequences in the civil legal order. For this reason, the executory nature of decisions, their authenticity, respect for the adversarial process, and proper cooperation between the canonical order and the state legal order become decisive elements for guaranteeing seriousness, certainty, and effective protection of the faithful.

Reflection on justice in the Church then assumes a penal profile in the contribution by Msgr. Jordi Bertomeu Farnós, dedicated to the relationship between delict and sin in the *delicta graviora contra mores*, from the gestation of *Integrae servandae* to the *Normae* of 2001. The author leads the reader into a decisive question for the understanding of ecclesiastical penal law: the distinction between sin and delict does not entail separation, just as their relationship cannot become confusion. The Church cannot reduce everything to the sole moral category of sin, renouncing the due juridical response when the evil committed wounds the victims, the ecclesial community, and the order of justice. The recovery of the coercive power of the Church, after the oscillations and uncertainties of the post-conciliar period, thus appears not as a juridicist regression, but as a necessary assumption of responsibility.

Connected with this perspective, on a different level, is the contribution by Daniel Tibi dedicated to administrative justice in the Church, to administrative recourse, to recourse to the Apostolic Signatura, and to possible future prospects. The theme touches one of the most delicate questions of the contemporary canonical order: the protection of the rights of the faithful in the face of acts of ecclesiastical authority. Canon law cannot limit itself to recognising subjective rights in the abstract,

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but must also provide adequate instruments so that they may be effectively defended. In this sense, administrative justice directly calls into question the quality of ecclesial governance, the transparency of decisions, and the credibility of the power of governance when it concretely affects the lives of persons.

The issue then continues with the publication, in the section *Acta Tribunalium Sanctae Sedis*, of the judgment coram Msgr. Davide Salvatori of 14 March 2024, delivered in the matter of the exclusion of the *bonum sacramenti*. The decision makes it possible to enter concretely into Rotal judicial discernment. The themes of indissolubility, the positive act of the will, the reservation of the right to dissolve the bond, and the relationship between lack of faith and the validity of matrimonial consent are treated with doctrinal refinement and jurisprudential rigour. The judgment recalls that matrimonial nullity cannot be founded on generic impressions, on cultural mentalities, or on existential fragilities considered in isolation, but requires the ascertainment of a juridically relevant will at the moment of consent.

The publication of the Latin text of the judgment is accompanied by the Portuguese translation prepared by Leonardo Rosa Ramos. This choice responds to a precise scientific and pastoral purpose: to make a jurisprudential document of particular importance accessible to a wider public, without losing contact with the proper form of the Rotal decision. The translation does not therefore constitute a simple linguistic aid, but favours the reception of the jurisprudence of the Roman Rota in Portuguese-speaking academic and judicial circles. Completing this path is a commentary note on the judgment, by the present writer, dedicated to the principal themes of the decision: the Augustinian doctrine of the *bona matrimonii*, the distinction between the simple anticipation of failure and a true reservation of the right to break the bond, the role of the *actus positivus voluntatis*, the merely indirect relevance of the lack of faith, and the probative method in causes of simulation. Here too the unitary line of the issue emerges forcefully: canon law does not judge persons in the abstract, but seeks the juridical truth of a human, ecclesial, and sacramental act.

Taken together, the contributions in this issue show that canoni-

cal science must hold together dimensions that are sometimes artificially separated: law and pastoral care, justice and mercy, authority and the protection of rights, the truth of the bond and attention to persons, penal discipline and care for ecclesial communion. Canon law is authentically ecclesial when it yields neither to formalism nor to pastoral indeterminacy, but assumes with rigour and prudence the task of serving truth in charity. We therefore present to readers Volume 7, Number 13 of *Scientia Canonica* with gratitude to the authors, translators, and all those who collaborated in its realisation. Canon law, when studied and applied with ecclesial intelligence, is not a marginal field of knowledge, but a concrete form of service to justice, communion, and the salvation of souls. This is the conviction that also animates the present issue of the journal.

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