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Burke warns against simplifying annulments, 'false mercy'

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The U.S. cardinal who heads the Vatican's highest court has warned against a simplification of the process for seeking annulments in the Catholic church, saying efforts to show compassion to couples facing failed marriages can lead to "false mercy."

Any reforms of the annulment process, said Cardinal Raymond Burke, must first be studied by a commission of experts and should not remove a sometimes time-consuming requirement for two judgments on the matter.

Burke, who heads the Vatican's Supreme Tribunal of the Apostolic Signatura, spoke Thursday during a lecture at The Catholic University of America.

His comments on the annulment process come after sustained speculation in recent months that Pope Francis and a number of other cardinals are considering changes to the church's pastoral practice toward divorced and remarried people in preparation for a global meeting of bishops, called a synod, at the Vatican on the topic of the family in October.

The church currently prohibits divorced and remarried people from receiving the Eucharist. Several cardinals have recently questioned whether that teaching might change, even in a limited way. Others have called specifically for the simplification of the process for couples seeking an annulment, an official finding by a church tribunal that the union was never sacramentally valid.

Burke said "it must be clear" that the annulment process "is not a mere matter of procedure but that the process is essentially connected with the doctrinal truth" of the church.

Continuing, the cardinal quoted the pertinent line in the church's Code of Canon Law, which reads: "Marriage ... can be dissolved by no human power and by no cause, except death."

"Sometimes, one hears the slogan that the [annulment] process has become encrusted with burdensome juridicisms," Burke said. "In the Apostolic Signatura's experience, however, it is clear that if the servants of justice know the process and follow it attentively ... the task of the tribunal, which is certainly burdensome in itself, becomes quite workable."

Quoting from Blessed Pope John Paul II, the cardinal then warned against "false mercy, which is not concerned with the truth and therefore cannot serve charity, which has as its only goal the salvation of souls."

Burke's appearance at Catholic University was one of two the cardinal made Thursday criticizing possible reforms on church teaching for divorced and remarried people. During an interview on the TV network EWTN, the cardinal said [1] discussions on the matter are "creating a great deal of potential disillusionment that somehow we can withhold the truth about marriage."

"We're talking about the very words of Christ himself in the Gospel in which he taught ... the indissolubility of marriage," Burke said.

Burke openly criticized German Cardinal Walter Kasper, who gave a two-hour talk opening the meetings of approximately 150 cardinals gathered at the Vatican in February. The cardinals discussed the October synod at the meetings.

"There are many difficulties with the text of Cardinal Kasper," Burke said. "I trust that in coming days ... the error of his approach will become ever clearer."

Asked by his EWTN interviewer if cardinals had a disagreement with Kasper's talk, which outlined [2] five criteria for allowing a remarried person back to the Eucharist, Burke replied: "Clearly there was."

"One is obliged to say the fact that he gave the text before the College of Cardinals does not in any way signify that it was well received by all the cardinals," Burke said.

Thursday's event at Catholic University was part of an annual lecture series hosted by its canon law school in remembrance of Fr. James Provost, a late longtime chair of its canon law faculty. The topic of the lecture was on the relation of the Signatura to the local church.

The Signatura is one of three Vatican tribunals, which also include the Roman Rota and the Apostolic Penitentiary. It functions as the supreme tribunal and is also entrusted with ensuring justice in the church is properly administered.*

Pope Benedict XVI named Burke the prefect of the Signatura in 2008, removing the future cardinal as archbishop of Saint Louis.

Under current procedures, a Catholic couple seeking an annulment of their marriage must petition a church tribunal, normally in their diocese, to make a judgment in their case. A second tribunal must then confirm the decision of the first tribunal before a marriage can be considered annulled.

Burke reaffirmed that procedure at Catholic University, saying that getting rid of the requirement for a second judgment had led to "grave damage" in the past.

Citing a special dispensation granted from 1971 to 1983 by the Vatican to the U.S. bishops' conference to forego the second judgment, Burke said those years "demonstrated the grave damage done to the process ... by the effective omission of the second instance during those years."

"From the rich experience of the Apostolic Signatura ... the necessity of the double-conforming decision for an adequate process for the declaration of nullity of marriage is shown without any shadow of a doubt," he said.

Responding to a question, Burke also spoke of how the election and style of Pope Francis had affected his role as a cardinal and priest.

"That's a rather personal question to address," Burke said. "I would put it this way: that certainly he has quite a new style of governance in comparison to Blessed John Paul II and to Pope Benedict XVI, and all of us are adjusting to that."

Mentioning that Francis is consulting with a group of eight cardinals around the world on reforming the Vatican bureaucracy, Burke continued: "I suspect I'll have more to say about that after that reform takes place."

Burke also said Francis has shown "the need to go out to all those for whom Christ gave his life on Calvary and to be especially attentive to the poorest of the poor."

But, the cardinal said, "that doesn't mean at the same time that we should not be attentive to the life of the church itself, because Christ comes to those who he wills to save through his church and the church herself must be faithful in order to bring Christ to others."

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**The role of the Apostolic Signatura was clarified after the original posting of this story.*

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