



The Holy See

**ADDRESS OF HIS HOLINESS
POPE JOHN PAUL II
TO THE TRIBUNAL OF THE ROMAN ROTA**

17 January 1998

1. I listened with interest, venerable brother, to what you said as dean of the Roman Rota, expressing the sentiments of the prelate auditors, the major and minor officials of the tribunal, the defenders of the bond, the Rotal advocates and the students of the *Studio Rotale* and their relatives attending this special audience for the opening of the judicial year. In thanking you for the sentiments expressed, I again wish to extend to you on this occasion my congratulations on your elevation to the dignity of archbishop, which is a sign of my esteem for you and my appreciation of the work accomplished by the centuries old tribunal of the Roman Rota.

I am very familiar with the skilled assistance that your tribunal offers the successor of Peter in fulfilling his responsibilities in the judicial realm. It is a valuable work, performed not without sacrifice by highly qualified people in the legal field, who act with constant concern to adapt the tribunal's activity to the pastoral needs of our time.

The dean has dutifully recalled that in 1998 it will be 90 years since the constitution *Sapienti consilio*, by which my predecessor St. Pius X, in his reorganization of the Roman Curia, also provided for a redefinition of the function, jurisdiction and competence of your tribunal. He rightly recalled this anniversary, making it his starting point for a quick review of the past and especially for outlining your future obligations in view of anticipated demands.

2. Today I have the opportunity to offer you some reflections, first, on the structure and place of the administration of justice and, consequently, of the judge in the Church and, second, on some problems more concretely and directly related to your judicial work.

To understand the meaning of law and judicial power in the Church, in whose mystery of communion the visible society and the mystical body of Christ constitute one reality (cf. *Lumen gentium*, no. 8), it seems fitting at today's meeting to stress first of all the Church's supernatural

nature and her essential and inalienable purpose. The Lord established her as the continuation and realization down the centuries of his universal work of salvation, which also restores man's original dignity as a rational being created in the image and likeness of God. Everything has meaning, everything has reason, everything has value in the work of Christ's mystical body only if it is directed to and senses the goal of the redemption of all mankind.

In the life of communion of the *ecclesial societas*, a temporal sign of the eternal life that pulsates in the Trinity, the members are raised by a gift of divine love to the supernatural state, obtained and always reacquired through the infinite merits of Christ, the Word made flesh.

Faithful to the teaching of the Second Vatican Council, the *Catechism of the Catholic Church* states that the Church is one because of her source, reminding us: "The highest exemplar and source of this mystery is the unity, in the Trinity of persons, of one God, the Father and the Son in the Holy Spirit" (No. 813). But the same catechism also states: "If we continue to love one another and to join in praising the most holy Trinity - all of us who are sons of God and form one family in Christ - we will be faithful to the deepest vocation of the Church" (No. 959).

For this reason, the ecclesiastical judge, the authentic *sacerdos iuris* in the ecclesial society, cannot fail to be called to fulfill a true *officium caritatis et unitatis*. How demanding, then, is your task and at the same time how great is its spiritual importance, since you become the real practitioners of a unique *diakonia* for every individual and even more for the *Christifidelis*.

It is precisely the correct application of canon law, which presupposes the grace of sacramental life, that fosters this unity in charity, because in the Church, law can have no other interpretation, meaning or value without falling short of the Church's essential purpose. No judicial activity conducted before this tribunal can be exempted from this vision and this ultimate goal.

3. This applies to everything from penal procedures in which the restoration of ecclesial unity means the re-establishment of full communion in charity to vital and complex procedures in contentious suits concerning one's personal status and, above all, the validity of the marriage bond.

I need not remind you that even the *modus* in which ecclesiastical trials are conducted must be translated into forms of behavior suitable for expressing this spirit of charity. How can we not think of the image of the good Shepherd who bends over the lost, wounded sheep when we wish to describe for ourselves the judge who in the Church's name deals with and judges the status of one of the faithful who turns to him in trust?

But it is basically the same spirit of canon law that expresses and realizes this goal of unity in charity: This must be kept in mind when interpreting and applying its various canons and above all - when faithfully adhering to those doctrinal principles which, as a necessary foundation, give the

canons meaning and substance. In this regard, I wrote in the constitution *Sacræ disciplinæ leges*, with which I promulgated the 1983 *Code of Canon Law*. “If, however, it is impossible to translate perfectly into canonical language the conciliar image of the Church, nevertheless the *Code* must always be referred to this image as the primary pattern whose outline the *Code* ought to express insofar as it can by its very nature” (AAS, 75 [1983], p. XI).

4. Nor can my thoughts not turn, in this regard, especially to the cases which represent the majority of the proceedings submitted for examination to the Roman Rota and the tribunals of the whole Church: I am referring to cases of marital nullity.

In these cases the *officium caritatis et unitatis* entrusted to you must be carried out at both the doctrinal and the strictly procedural levels. In this area the specific function of the Roman Rota seems essential as the instrument of a wise and unambiguous jurisprudence to which the other ecclesiastical tribunals must conform as to their authoritative model. This is the same reason for the now timely publication of your judicial decisions, which concern matters of substantive law as well as procedural issues.

Rotal sentences, over and above the value of the individual judgments for the parties concerned, contribute to a correct and deeper understanding of marriage law. This is the reason why we find in them continual recourse to the indispensable principles of Catholic doctrine regarding the natural concept itself of marriage, with the obligations and rights proper to it, and even more regarding its sacramental reality when celebrated between the baptized. Paul’s exhortation to Timothy is helpful here: “Preach the word, be urgent in season and out of season.... For the time is coming when people will not endure sound teaching” (2 *Tm* 4:2–3). This is certainly a sound warning for our day as well.

5. As a pastor, I am concerned about the distressing, critical problem experienced by those faithful whose marriage has failed through no fault of their own and who, even before receiving a possible ecclesiastical sentence legitimately declaring its nullity, enter into new unions that they wish to have blessed and consecrated before the Church’s minister.

I have already called your attention on other occasions to the requirement that no merely formal procedural norm should be an obstacle to the resolution, in charity and equity, of these situations: The spirit and letter of the current *Code of Canon Law* have this as their aim. But, with equal pastoral concern, I am mindful of the requirement that marriage cases be completed with the seriousness and swiftness required by their very nature.

In this regard and in order to encourage an ever better administration of justice from both the substantive and the procedural standpoint, I have established an interdicasterial commission charged with drafting an instruction on the conduct of trials concerning marriage cases.

6. Even with these indispensable demands of truth and justice, the *officium caritatis et unitatis* in which I have framed my reflections thus far can never mean a state of intellectual inertia, resulting in a conception of the person, the object of your judgments, which has been detached from historical and anthropological reality, and is limited and indeed marred by a vision culturally bound to one part of the world or another.

Problems concerning marriage, which the dean mentioned at the beginning require on your part, primarily of you who comprise this ordinary appellate tribunal of the Holy See, intelligent attention to progress in the human sciences in the light of Christian revelation, Tradition and the Church's authentic magisterium. Reverently preserve everything of sound culture and learning bequeathed to us by the past, but accept with discernment everything good and right that the present likewise offers us. Indeed, be guided always and only by the supreme standard of seeking the truth, without thinking that the correctness of solutions depends on merely preserving contingent human aspects or on the frivolous desire for novelties not in conformity with the truth.

In particular, the right understanding of "marital consent," the foundation and cause of the marriage covenant in all its aspects and in all its implications, cannot be restricted in an exclusive way to now well-established models, doubtlessly still valid today but capable of improvement with the advances in the anthropological and juridical sciences. Even in its autonomy and its specific epistemological and doctrinal nature, canon law must especially today utilize the contributions of the other moral, historical and religious disciplines.

In this delicate, interdisciplinary process, fidelity to the revealed truth about marriage and the family, authentically interpreted by the Church's magisterium, always serves as the definitive reference point and the true incentive for a profound renewal of this area of Church life.

Thus, the completion of 90 years of activity by the restored Rota becomes a source of new enthusiasm for the future in the high expectation that unity in charity will also be achieved in a visible way among the people of God, who are the Church.

May the Spirit of truth enlighten you in your momentous office, which is a service to the brothers and sisters who have recourse to you, and may my blessing, which I affectionately impart to you, be a wish and a pledge of God's continual and provident assistance.

© Copyright 1998 - Libreria Editrice Vaticana