



The Holy See

ADDRESS OF JOHN PAUL II TO THE TRIBUNAL OF THE ROMAN ROTA

30 January 1986

1. It is a great joy for me to meet you every year, so as to reaffirm the importance of your ecclesial ministry and the necessity for your judicial activity. It is a service of justice, a service of truth, a service rendered to God, in whose sight you pronounce your judgments. It is a service to the People of God and every person of good will who has resort to the Tribunal of the Roman Rota.

So I extend my most cordial greeting to each one of you, a greeting joined with feelings of appreciation and gratitude for your task. It is sometimes difficult and burdensome, yet it is necessary.

I give a particular greeting to the new dean, Monsignor Ernesto Fiore, and I express a hope that he will contribute, with your attentive collaboration, to the constant work of adapting the tribunal to the needs of the contemporary world and the pastoral needs of our time.

I am aware of the difficulties which you have to face in carrying out your task. It requires that you clarify, on the basis of canon law, questions and problems regarding subjective rights, which at the same time involve the consciences of those who have resort to you. Often they are bewildered and confused by discordant voices reaching them from all sides. I gladly take the opportunity of this audience to exhort you to a real service of charity in their regard, by fully assuming your responsibilities before God, the supreme lawgiver. If called upon, he will not fail to sustain you with the light of his grace, so that you may fully respond to the expectations placed in you.

2. It seems important to lay emphasis on concern for fundamental unity with the ministry of Peter—as I did already in the discourse addressed to the cardinals last November 21. The Roman Curia offers this petrine office (*munus Petrinum*) collaboration that is rendered ever more urgent both by the importance of problems arising in the world and by the duty to keep the profession of faith one and catholic, also again by reason of the need to orient and sustain the People of God in faithful understanding of the Church's magisterium. This service to unity is ever more necessary because of the fact that the Church extends to so many differing countries and continents, and unites disparate and diverse cultures with the treasure of the Christian faith and revelation. These cultures in their turn can become better to the degree in which they

recognize the values that the Incarnate Word defends and guarantees as Son of the Father and redeemer of humans. All have to enter as an adopted child into this divine filiation, so as not only to be themselves, but also in order to respond ever better to the intentions of God, who has created them in his image and likeness.

Your mission is a big one! It has to maintain, deepen, defend, and illuminate those divine values which human beings bear in themselves as the instruments of divine love. In every person there is a sign of God to be recognized, a manifestation of God to bring to the fore, a mystery of love to be expressed through living according to God's views.

3. "God is love" (1 *Jn* 4:8-16). St. John's simple statement is the key of the human mystery. Like God, we too will be love. We have need of love. We have to feel that we are loved and, in order to be ourselves, we have to love, we have to give ourselves, we have to make this love be loved. God is a Trinity of love—the reciprocal giving of the Father and of the Son who love their Personal Love, the Holy Spirit. We know that this divine mystery illumines the nature and the profound meaning of Christian marriage, which is the most perfect realization of natural marriage. This latter bears God's seal from the beginning: "God created humankind in his image. . . . male and female he created them; . . ." saying, "Be fruitful and multiply" (*Gn* 1:27-28).

Then, every marriage between the baptized is a sacrament. It is a sacrament by virtue of baptism, which introduces our life into God's, making us "participants of the divine nature" (2 *Pt* 1:4), through incorporation in his divine Son, the Incarnate Word, in whom we form but one body, the Church (see 1 *Cor* 10:17).

It is understood, then, how Christ's love for the Church has been compared to the indissoluble love uniting man with woman, and how that can be effectively signified by that great sacrament which is Christian marriage. That love is destined to develop the Christian family, the domestic Church (see *LG*, no. 11), in the same way in which the love of Christ and the Church ensures ecclesial communion—visible and bearing already heavenly benefits with it (see *LG*, no. 8).

This is why Christian marriage is a sacrament making a kind of consecration to God (see *GS*, no. 48). It is a ministry of love, which, through its testimony, makes visible the meaning of the divine love and the depth of conjugal gift lived in the Christian family. It is a commitment of paternity and maternity. The source of that is the reciprocal love of the divine persons; it is its most perfect and unrivalled image. This mystery will affirm itself and realize itself in every participation in the Church's mission, and it is in the Church that Christian spouses have to give proof of love and testify to the love which they live between them, with and for their children, in that fundamental and irreplaceable ecclesial cell—the Christian family.

4. If I briefly recall the richness and profundity of Christian marriage to you, I do so mainly in order to emphasize the beauty, the grandeur, and the vastness of your mission, since the greater part of your labors is concerned with matrimonial causes.

Your work is judicial, but your mission is evangelical, ecclesial, and sacerdotal, while at the same time remaining humanitarian and social.

Even though the validity of a marriage supposes certain essential elements, and they have to be clearly expressed and technically applied in the juridical aspect, it is nonetheless necessary to consider such elements according to their full human and ecclesial significance. By giving emphasis to this theological aspect in forming your judgments, you will hold out the image of Christian matrimony willed by God as the divine image and model, and perfection of every human conjugal union. This holds good for every culture. The Church's doctrine is not restricted to its canonical expression. This latter—as the Second Vatican Council willed—must be seen and comprehended within the vastness of the mystery of the Church (*Optatam totius*, no. 16). This council rule emphasizes the importance of ecclesial law (*ius ecclesiale*)—and opportunely enlightens the nature of the law of communion, the law of charity, the law of the spirit.

5. Illuminated by this mystery of divine and human love, your judgments take on great importance, and—in a vicarious manner—share in the ministry of Peter. In fact it is in his name that you interrogate, judge, and dispense judgments. It is not a matter of simple delegation, but of an intense participation in his mission.

Undoubtedly, application of the new Code can run the risk of imprecise, incoherent or innovative interpretations, particularly in the case of psychological disturbances invalidating consent to marriage (c. 1095) or in the case of impediment of deceit (c. 1098), and error conditioning the will (c. 1099), as well as in interpretation of some new rules of procedure.

Such risk has to be faced and overcome with serenity through study both of the real gist of the canonical norm and of all concrete circumstances giving shape to the case, keeping always a lively awareness of serving God only, the Church, and souls, without yielding to a superficial, permissive mentality which does not take due account of the indispensable demands of matrimony as a sacrament.

6. I would also say something about the appropriateness that examination of causes should not be delayed too long. I know very well that the duration of a trial does not depend only on the judges who have to decide: there are many other factors which can cause delays, but you—to whom the task of administering justice has been entrusted, so as to bring inner peace to so many faithful—ought to commit yourselves to the utmost in order that the course of the process shall proceed with that solicitude which the good of souls requires and which the new Code of Canon Law prescribes when it states: “They are to see to it that in the tribunal of first instance cases are not protracted beyond a year, and in the tribunal of second instance not beyond six months” (c. 1453).

May none of the faithful take the excessive duration of the ecclesiastical court process as grounds for not presenting his own cause or for giving up on it and choosing solutions in clear contrast with Catholic doctrine.

7. Before concluding I would also again exhort you to see your ecclesial service in the general context of the activity of the other dicasteries of the Roman Curia, with special reference to those which concern themselves with matters having a relation with judiciary activity in general and that of matrimonial matters in particular.

Moreover, the influence of the Roman Rota on the activity of regional and diocesan ecclesiastical tribunals should be valued in particular. The jurisprudence of the Rota has always been and must continue to be a sure point of reference for them.

The *Studio Rotale* has given you the possibility of putting your doctrinal and judicial experience at the disposal of those who are preparing themselves to become judges or advocates and those who wish to deepen their knowledge of the Church's law. Thanks to it, you contribute to the reflowering of interest in study of the Code of Canon Law and provide the opportunity for ever more thorough study of this material in faculties of canon law.

It is therefore with a full heart that I express my lively appreciation for your serious and constant work, and I bless your commitment and ministry.

May God who is love ever always remain your light, your strength, and your peace.