



# The Holy See

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

*28 January 1994*

1. I am very grateful to Monsignor Dean for the noble sentiments expressed in the name of all present. Together with you I cordially greet the college of prelate auditors, the officials, and all who work in the Tribunal of the Roman Rota, as well as those who make up the *Studio Rotale* and the Rotal advocates. To all, my fervent best wishes in the Lord!

To you personally, Monsignor Dean, I would like to extend my wishes for peaceful and profitable work. You have recently received the honor and burden of directing the tribunal, succeeding Archbishop Ernesto Fiore, whom I recall with affection. May Our Lady of Good Counsel, the Seat of Wisdom, assist you each day in carrying out your important ecclesial service.

2. I listened with intense interest to your profound reflections on the human and Gospel roots that sustain the tribunal's activity and support its commitment to serving justice. Various themes merit further consideration and development. However, the specific reference you made to the recent encyclical *Veritatis splendor* persuades me this morning to discuss with you the intriguing relationship between the splendor of *truth* and that of *justice*. As a participation in truth, *justice too has its own splendor* that can evoke a free response in the subject—one not merely external but arising from the depths of one's conscience.

In an address to the Rota, my great predecessor Pius XII had authoritatively warned: "The world has need of that truth which is justice, and of that justice which is truth" (October 2, 1942, *supra* pp. 21–22). God's justice and God's law are the reflection of the divine life. However, human justice must also strive to reflect truth and to share in its splendor. St. Thomas pointed out: "At times justice is called truth" (*quandoque iustitia veritas vocatur, Summa theologiæ*, II–II, q. 58, a. 4, ad 1). He saw the reason for this in the requirement that justice be practiced in accordance with right reason, i. e., according to truth. Hence it is legitimate to speak of the *splendor of justice* (*splendor iustitiæ*) and of the *splendor of the law* (*splendor legis*) as well: indeed the task of every legal system is to serve the truth, "the only solid foundation which can support personal, marital, and social life" (*supra* p. 211). It is only right, then, that *human laws* should aspire to *reflect in themselves the splendor of truth*. Obviously, the same can be said of their concrete application, which is also entrusted to human agents.

*Love for the truth* must be expressed in *love for justice* and in the resulting commitment to establishing truth in relations within human society; nor can its subjects be lacking in love for the law and the judicial system, which represent the human attempt to provide concrete norms for resolving practical cases.

3. For this reason it is necessary for all in the Church who administer justice to reach the point of *perceiving its beauty* through regular conversation with God in prayer. This will enable them—among other things—to appreciate the wealth of truth in the new Code of Canon Law, by recognizing its source of inspiration in the Second Vatican Council, whose directives have the sole aim of fostering the vital communion of all the faithful with Christ and with their brothers and sisters.

Ecclesiastical law is concerned with protecting the rights of each person in the framework of the duty of all towards the common good. In this regard, the *Catechism of the Catholic Church* notes: “. . . justice towards men disposes one to respect the rights of every person and to establish in human relations the harmony that promotes equity toward individuals and the common good” (no. 1807).

When pastors and ministers of justice encourage the faithful not only to exercise their ecclesial rights but also to be aware of their own duties in order to fulfill them faithfully, we wish precisely to urge them: to have a direct, personal experience of the *splendor legis*. In fact, for the believers who “accept the inspiration of the Spirit and acknowledge the need of a profound conversion to the Church, the affirmation and exercise of their rights will be transformed into an acceptance of duties with regard to unity and solidarity so that the higher values of the common good may be achieved” (February 17, 1979, *supra* p. 156).

On the other hand, taking advantage [of the administration] of justice to serve personal interests or pastoral practices—however sincere—that are not based on truth, will result in creating social and ecclesial situations of distrust and suspicion, in which the faithful will be tempted to see merely a struggle of competing interests and not a common effort to live in accordance with law and justice.

4. The ecclesiastical judge’s entire activity, as my venerable predecessor John XXIII stated, consists in exercising the “ministry of truth” (*ministerium veritatis*, December 13, 1961, *supra* p. 70). From this perspective it is easy to understand how the judge must call upon the “light of God” (*lumen Dei*) in order to discern the truth in each individual case. In turn, however, the parties concerned should not fail to seek in prayer a basic willingness to accept the final decision—though after having exhausted all legitimate means of challenging what in conscience they believe does not correspond to the truth or justice of the case.

If those who administer the law strive to maintain an attitude of complete openness to the demands of truth, with rigorous respect for procedural norms, the faithful will remain convinced that ecclesial society is living under the governance of law; that ecclesial rights are protected by the law; that in the final analysis, the law is an opportunity for a loving response to God’s will.

5. *Truth, however, is not always easy*: its affirmation is sometimes quite demanding. Nevertheless, it must always be respected in human communication and human relations. *The same applies for justice and the law*: they do not always

appear easy either. The legislator—universal or local—does not have an easy task. Since the law must look to the common good—“*omnis lex ad bonum commune ordinatur*” (*Summa theologiæ*, I-II, q. 90, a. 2)—it is quite understandable for the legislator to ask even heavy sacrifices of individuals, if necessary. The latter, for their part, will respond with the free, generous consent of those who are able to acknowledge the rights of others in addition to their own. A strong response will follow, one sustained by a spirit of sincere openness to the demands of the common good, with awareness of the consequent advantages, in the end, for the individual himself.

You are well aware of the temptation to lighten the heavy demands of observing the law in the name of a mistaken idea of compassion and mercy. In this regard, it must be firmly said that if it is a question of a transgression that concerns the individual alone, one need only refer to the injunction: “Go your way, and from now on do not sin again” (*Jn* 8:11). But if the rights of others are at stake, mercy cannot be shown or received without addressing the obligations that correspond to these rights.

One is also duty-bound to be on guard against the temptation to exploit the proofs and procedural norms in order to achieve what is perhaps a “practical” goal, which might perhaps be considered “pastoral,” but is to the detriment of truth and justice. In an address given to you several years ago, I referred to a “distortion” in the conception of the pastoral nature of Church law; it “lies in attributing pastoral importance and intent only to those aspects of moderation and humanness in the law which are linked immediately with canonical equity (*æquitas canonica*)—that is, holding that only the exceptions to the law, the potential non-recourse to canonical procedures and sanctions, and the streamlining of judicial formalities have any real pastoral relevance” (January 18, 1990, *supra* p. 210). However, I warned that in this way one easily forgets that “justice and law in the strict sense—and consequently general norms, proceedings, sanctions and other typical juridical expressions, should they become necessary—are required in the Church for the good of souls and are therefore intrinsically pastoral” (*ibid.*).

It is indeed true that resolving practical cases is not always easy. But charity or mercy—as I mentioned on the same occasion—“cannot put aside the demands of truth. A valid marriage, even one marked by serious difficulties, could not be considered invalid without doing violence to the truth and undermining thereby the only solid foundation which can support personal, marital, and social life” (*supra* p. 211). These are the principles I feel obliged to emphasize with particular firmness during the *Year of the Family*, as we see ever more clearly the dangers to which a mistaken “understanding” exposes the institution of the family.

6. A correct attitude toward the law also takes into account its function as a tool that serves the good functioning of human society and the affirmation of *communio* in ecclesial society.

In order to foster authentic *communio*, as the Second Vatican Council describes it, it is absolutely necessary to encourage a correct sense of justice and of its reasonable demands.

Precisely for this reason, the legislator and those who administer the law will be concerned, respectively, to create and apply norms based on the truth of what is necessary in social and personal relations. Legitimate authority, then, must be involved in and promote the proper formation of the personal conscience (see *Veritatis splendor*, no. 75), because, if well formed, conscience naturally assents to truth and perceives within itself a principle of obedience compelling it to conform

to what the law commands (see *ibid.* no. 60; cf. JOHN PAUL II, encyclical letter, *Dominum et Vivificantem*, May 18, 1986, in *AAS*, 78 [1986] pp. 859–860, no. 43).

7. In this way, both in the individual and in the social and specifically ecclesial realms, truth and justice will be able to show forth *their splendor*: all humanity needs this today more than ever in order to find the right path and its final destination in God.

How important, therefore, is your work, distinguished prelate auditors and dear staff of the Roman Rota. I trust that these considerations will inspire and support you in performing your work, for which I express my most cordial wishes and the assurance of a special remembrance in my prayer.

To confirm these sentiments I am pleased to give you my blessing, which I extend to everyone in the Church concerned with the sensitive task of administering justice.