



The Holy See

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

Saturday, 29 January 2005

1. This annual appointment with you, dear Prelate Auditors of the Apostolic Tribunal of the Roman Rota, highlights the essential connection between your precious work and the judicial aspect of the Petrine ministry. The words of the Dean of your College have expressed your common commitment to full fidelity in your ecclesial service.

It is in this perspective that I would like to place certain considerations concerning *the moral dimension* of the activity of all who work at the ecclesiastical tribunals, especially the duty to *conform to the truth about marriage* as the Church teaches it.

2. The *ethical question* has always been asked very pointedly in any kind of judicial proceedings. In fact, individual or collective interests can induce the parties to resort to various kinds of duplicity and even bribery in order to attain a favourable sentence.

Nor are *canonical proceedings*, in which an attempt is made to discover the truth about whether or not a marriage exists, immune from this risk. The unquestionable importance of this for the moral conscience of the parties involved reduces the likelihood of acquiescence to interests alien to the quest for the truth. Nevertheless, cases can exist in which a similar acquiescence is expressed that jeopardizes the regularity of the proceedings. The firm reaction of canon law to such behaviour is well known (cf. CIC, cann. 1389, 1391, 1457, 1488, 1489).

3. However, in the current circumstances there is also the threat of another risk. In the name of what they claim to be pastoral requirements, some voices have been raised proposing to *declare marriages that have totally failed null and void*. These persons propose that in order to obtain this result, recourse should be made to the expedient of retaining the substantial features of the proceedings, simulating the existence of an authentic judicial verdict. Such persons have been

tempted to provide reasons for nullity and to prove them in comparison with the most elementary principles of the body of norms and of the Church's Magisterium.

The *objective juridical and moral gravity of such conduct*, which in no way constitutes a pastorally valid solution to the problems posed by matrimonial crises, is obvious. Thanks be to God, there is no lack of faithful people who refuse to let their consciences be deceived. Moreover, many of them, despite being personally involved in a conjugal crisis, are not prepared to solve it except by keeping to the path of truth.

4. In my annual Addresses to the Roman Rota, I have referred several times to the *essential relationship* that the process has with the search for objective truth. It is *primarily the Bishops*, by divine law judges in their own communities, who must be responsible for this. It is on their behalf that the tribunals administer justice. Bishops are therefore called to be personally involved *in ensuring the suitability of the members of the tribunals*, diocesan or interdiocesan, of which they are the Moderators, and in verifying that the *sentences passed conform to right doctrine*. Sacred Pastors cannot presume that the activity of their tribunals is merely a "technical" matter from which they can remain detached, entrusting it entirely to their judicial vicars (cf. *CIC*, cann. 391, 1419, 1423 1).

5. *The criterion that inspires the deontology of the judge is his love for the truth*. First and foremost, therefore, he must be convinced that *the truth exists*. The truth must therefore be sought with a genuine desire to know it, despite all the inconveniences that may derive from such knowledge. It is necessary to resist the *fear of the truth* that can, at times, stem from the dread of annoying people. The truth, which is Christ himself (cf. Jn 8: 32, 36), sets us free from every form of compromise with interested falsehoods.

The judge who truly acts as a judge, in other words, with justice, neither lets himself be conditioned by feelings of false compassion for people, nor by false models of thought, however widespread these may be in his milieu. He knows that unjust sentences are never a true pastoral solution, and that God's judgment of his own actions is what counts for eternity.

6. The judge must then abide by *canonical laws*, correctly interpreted. Hence, he must never lose sight of the intrinsic connection of juridical norms with Church doctrine. Indeed, people sometimes presume to separate Church law from the Church's magisterial teaching as though they belonged to two separate spheres; they suppose the former alone to have juridically binding force, whereas they value the latter merely as a directive or an exhortation.

Such an approach basically reveals a *positivist mindset* which is in contradiction with the best of the classical and Christian juridical tradition concerning the law. In fact, the authentic interpretation of God's Word, exercised by the Magisterium of the Church (cf. Second Vatican Council, Dogmatic Constitution on Divine Revelation *Dei Verbum*, n. 10 2), *has juridical value to the extent that it concerns the context of law*, without requiring any further formal procedure in order to become

juridically and morally binding.

For a healthy juridical interpretation, it is indispensable to understand *the whole body of the Church's teachings*, and to place every affirmation systematically in the flow of tradition. It will thus be possible to avoid selective and distorted interpretations and useless criticisms at every step. Lastly, the *preliminary investigation of the case* is an important stage in the search for the truth. The very reason for its existence is endangered and degenerates into pure formalism when the outcome of the proceedings is taken for granted. It is true that the entitlement to timely justice is also part of the concrete service to the truth and constitutes a personal right. Yet *false speed* to the detriment of the truth is even more seriously unjust.

7. I would like to end this Meeting by offering *my truly heartfelt thanks* to you, Prelate Auditors, Officials, Advocates and all who work at this Apostolic Tribunal, as well as to the members of the Studium Rotale.

You know that you can count on the prayers of the Pope and of many people of good will who recognize the value of your work at the service of the truth. The Lord will repay your daily efforts with peace and joy of conscience and with the esteem and support of those who love justice, not only in the life to come but already in this life.

In expressing the wish that the truth of justice will shine out ever more brightly in the Church and in your lives, I cordially impart my Blessing to you all.

Copyright © Libreria Editrice Vaticana

Copyright © Dicastero per la Comunicazione - Libreria Editrice Vaticana