



The Holy See

**ADDRESS OF HIS HOLINESS POPE BENEDICT XVI
ON THE OCCASION OF THE INAUGURATION OF THE JUDICIAL YEAR
OF THE TRIBUNAL OF THE ROMAN ROTA**

*Clementine Hall
Thursday, 29 January 2010*

Dear Members of the Tribunal of the Roman Rota,

I am pleased to meet you once again for the inauguration of the Judicial Year. I cordially greet the College of Prelate Auditors, beginning with the Dean, Bishop Antoni Stankiewicz, whom I thank for the words he has addressed to me on behalf of all present. I extend my greeting to the Promoters of Justice, the Defenders of the Bond, the other Officials, the Advocates, and all of this Apostolic Tribunal's Collaborators, as well as the Members of the *Studium Rotale*. I gladly take this opportunity to renew the expression of my profound esteem and sincere gratitude for your ecclesial ministry, and at the same time I underline the necessity of your judicial activity. The valuable work that the Prelate Auditors are called to carry out diligently, in the name and under the mandate of the Apostolic See, is supported by the authoritative and well-established traditions of this Tribunal, which each one of you is bound to respect.

Today I wish to reflect on the essential nucleus of your ministry, seeking to analyze its relationship with justice, charity and truth. I will refer especially to some of the observations made in the Encyclical *Caritas in Veritate*, which, although considered within the context of the social doctrine of the Church, can also illuminate other ecclesial areas. It is necessary to take note of the widespread and deeply-rooted, though not always evident, tendency to place justice and charity in opposition to one another, as if the two were mutually exclusive. In this regard, with reference more specifically to the life of the Church, some maintain that pastoral charity could justify every step towards declaring the nullity of the marriage bond in order to assist people who find themselves in irregular matrimonial situations. Truth itself, even if lip service be paid to it, tends

thus to be viewed through a manipulative lens that would seek to adapt it, case by case, to the different requirements that emerge.

Setting out from the expression “administration of justice”, I wish to point out first of all that your ministry is essentially a work of justice: a virtue “that consists in the constant and firm will to give their due to God and neighbour” (CCC, n. 1807) – the human and Christian value of which it is more important than ever to rediscover, even within the Church. Canon Law is at times undervalued, as if it were a mere technical instrument at the service of any given subjective interest, even one that is not founded on truth. Instead, Canon Law must always be considered in its essential relationship with justice, in the recognition that, in the Church, the goal of juridical activity is the salvation of souls and that it “constitutes a special participation in the mission of Christ the Shepherd.... in realizing the order that Christ himself desired” (John Paul II, cf. *Address to the Rota Romana*, 18 Jan 1990, AAS 82 [1990], p. 874, n. 4; *L'Osservatore Romano* English edition (ORE): 29 Jan. 1990, p. 6, n. 5). In this perspective, one must also bear in mind, in any situation, that the process and the sentence are linked fundamentally to justice and must be placed at its service. The process and the sentence have a great relevance both for the parties to a dispute, and for the entire ecclesial body, and this acquires a most singular value when it entails a pronouncement on the nullity of a marriage which directly concerns the human and supernatural good of the spouses, as well as the public good of the Church. Over and above this dimension of justice that may be termed “objective”, there is another inseparable dimension which concerns those who “implement the law”, namely, those who make justice possible. I wish to underscore that they must be characterized by the high practice of human and Christian virtues, particularly prudence and justice, but also fortitude. This last virtue becomes more relevant the more injustice appears to be the easiest approach to take, insofar as it implies accommodating the desires and expectations of the parties or even the conditioning of the social context. Against this background, the Judge who seeks to be just and wishes to live up to the classic paradigm of “animate justice” (cf. Aristotle, *Nicomachean Ethics*, V, 1132a), has the grave responsibility before God and men of his function, which includes due timeliness in every phase of the process: “*quam primum, salva iustitia* [as soon as possible, while safeguarding justice](Pontifical Council for Legislative Texts, Instruction *Dignitas Connubii*, art. 72). All those who work in the field of law, each according to his proper function, must be guided by justice. I am thinking particularly of the advocates, who must not only pay full attention to respecting the truth of the evidence, but also carefully avoid assuming, as lawyers *di fiducia*, patronage of causes which, according to their conscience, cannot be objectively supported.

The action, therefore, of those who administer justice cannot prescind from charity. Love for God and for neighbour should inform every activity, even if it appears to be the most technical and bureaucratic. The perspective and the measure of charity will help focus attention on the fact that the judge is always dealing with people, beset by problems and difficulties. The principle that “*charity goes beyond justice*” (Encyclical *Caritas in Veritate*, n. 6) applies equally to the specific sphere of those engaged in the administration of justice. Consequently, the approach towards

people, while admittedly observing a specific modality linked to the process, must seek, with sensitivity and concern for the individuals involved, to facilitate contact with the competent tribunal by the parties to the case. At the same time, it is important to take definite steps, every time one glimpses hope for a favourable outcome, to induce the spouses if possible to convalidate their marriage and restore conjugal living (cf. *CIC*, can. 1676). Moreover, one should try to establish between the parties a climate of human and Christian openness that is based on the search for the truth (cf. *Dignitas Connubii*, art. 65 §§ 2-3).

It must be reiterated that every work of authentic charity includes an indispensable reference to justice, all the more so in our case. “Love – *caritas* – is an extraordinary force which leads people to opt for courageous and generous engagement in the field of justice and peace” (*Caritas in Veritate*, n. 1). “If we love others with charity, then first of all we are just towards them. Not only is justice not extraneous to charity, not only is it not an alternative or parallel path to charity: justice is ‘inseparable from charity’, and intrinsic to it” (*ibid.*, n. 6). Charity without justice is not charity, but a counterfeit, because charity itself requires that objectivity which is typical of justice and which must not be confused with inhuman coldness. In this regard, as my Predecessor, Venerable Pope John Paul II, said in his Address on the relationship between pastoral care and the law: “The judge... must always guard against the risk of misplaced compassion, which could degenerate into sentimentality, itself pastoral only in appearance” (18 Jan 1990, in *AAS*, 82 [1990], p. 875, n. 5; *ORE*, 29 Jan. 1990, p. 5,6. n. 5).

One must avoid pseudo-pastoral claims that would situate questions on a purely horizontal plane, in which what matters is to satisfy subjective requests to arrive at a declaration of nullity at any cost, so that the parties may be able to overcome, among other things, obstacles to receiving the Sacraments of Penance and the Eucharist. The supreme good of readmission to Eucharistic Communion after sacramental Reconciliation demands, instead, that due consideration be given to the authentic good of the individuals, inseparable from the truth of their canonical situation. It would be a false “good” and a grave lack of justice and love to pave the way for them to receive the sacraments nevertheless, and would risk causing them to live in objective contradiction to the truth of their own personal condition.

Regarding truth, in my Addresses to this Apostolic Tribunal in [2006](#) and [2007](#), I stressed that it is possible to arrive at the truth on the essence of marriage and the reality of every personal situation that is submitted to the judgement of the tribunal ([28 Jan. 2006](#), in *AAS* 98 [2006], pp. 135-138; *ORE*, 8 Feb., p. 3, n. 6; and [27 Jan. 2007](#), in *AAS* 99 [2007], pp. 86-91; *ORE*, 31 Jan., p. 3, n. 5), and also the truth of matrimonial processes (cf. *Dignitas Connubii*, artt. 65 §§ 1-2, 95 § 1, 167, 177, 178). Today I wish to emphasize that both justice and charity postulate love for truth and essentially entail searching for truth. In particular, charity makes the reference to truth even more exacting. “To defend the truth, to articulate it with humility and conviction, and to bear witness to it in life are therefore exacting and indispensable forms of charity. Charity, in fact, ‘rejoices in the truth’ (1 Cor 13:6)” (*Caritas in Veritate*, n. 1). “Only in truth does charity shine forth, only in truth

can charity be authentically lived... Without truth, charity degenerates into sentimentality. Love becomes an empty shell, to be filled in an arbitrary way. In a culture without truth, this is the fatal risk facing love. It falls prey to contingent subjective emotions and opinions, the word 'love' is abused and distorted, to the point where it comes to mean the opposite" (*ibid.*, n. 3).

One must keep in mind that an emptying of this kind can take place not only in the act of judging but also in the theoretical concepts that greatly influence concrete judgments. The problem arises when the very essence of marriage, rooted in the nature of man and woman, is more or less obscured, as it is the essence of marriage that makes it possible to express objective judgments on a specific marriage. In this sense, existential, person-centred and relational consideration of the conjugal union can never be at the expense of indissolubility, an essential property which, in Christian marriage, obtains, with unity, a special firmness by reason of the sacrament (cf. *CIC*, can. 1056). Moreover, it must not be forgotten that matrimony is favoured by the law. Consequently, in case of doubt, it must be considered valid until the contrary has been proven (cf. *CIC*, can. 1060). Otherwise, there is a grave risk of losing any objective reference point for pronouncements on nullity, by transforming every conjugal difficulty into a symptom of failure to establish a union whose essential nucleus of justice – the indissoluble bond – is effectively denied.

Distinguished Prelate Auditors, Officials and Advocates, I entrust these reflections to you, knowing well the spirit of faithfulness that inspires you and the commitment that you strengthen as you implement fully the Church's norms, in the search for the true good of the People of God. As comfort for your valuable work, upon each of you and upon your daily work I invoke the maternal protection of Mary Most Holy, *Speculum Iustitiae* (Mirror of Justice), and I affectionately impart my Apostolic Blessing.

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