



The Holy See

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

Consistory Hall

Thursday, 23 January 1992

1. This annual meeting with you, the distinguished members of the Tribunal of the Rota, always gives me satisfaction and joy, because it offers me a suitable opportunity for expressing to such an important institution of the Roman Church my esteem and gratitude, as well as my cordial best wishes for the beginning of the new judicial year.

First of all, I thank the Monsignor Dean for his address and I am glad to second the words at the conclusion of his speech, because his elevation to the episcopacy was truly meant not only as an act of esteem and gratitude to him, but also as a proof of my appreciation for the centuries old and illustrious Tribunal of the Roman Rota.

2. The brief account just given by Monsignor Dean regarding the sudden and almost unexpected upheavals which in recent years have taken place throughout the world particularly in Europe where we live, necessarily leads one to pause and reflect on some matters which, in a global vision of the Church's life today, directly concern the work and the special function (*munus specificum*) of the Apostolic Tribunal of the Roman Rota.

Doubtlessly the concern, which is proper to the universal ministry of Peter's successor, extends to all the ecclesial problems that these occurrences involve. This was the reason, for example, that compelled me last November to convoke a special assembly of the Synod of Bishops with responsibility for dealing with the problems presented to the Church by the changes which have taken place on the European continent. The same has been true of the other more or less recent meetings with the bishops of particular regions. My attention and that of my brothers in the episcopate has always been meant as a precise and in-depth examination of the contemporary situation, especially with a view to the future, in searching for those pastoral solutions that, based on the certainty of the healing and life-giving power of the redemption accomplished by Christ the Lord, seem to offer a suitable and effective response to pressing spiritual needs.

3. In this search, as in the Church's uninterrupted tradition and the ceaseless work of this Apostolic See, there is a continual effort to harmonize, on the one hand the supreme demands of God's unavoidable and immutable law, confirmed and perfected by Christian revelation, and on the other hand the changeable conditions of the humanity, its

particular needs, its most acute weaknesses.

Obviously, it is not a matter of modifying the divine law, and still less of bending it to human caprice, because that would mean the very denial of the former and the degradation of the latter. It is rather understanding people of today; placing them in proper harmony with the absolute demands of the divine law; of pointing out the most consistent way of conforming to it. For example, it is exactly what the Church is currently doing, with the participation of the entire community - bishops, priests, laity, cultural institutes, theologians - through the new Catholic catechism, whose purpose is to present the face of Christ to the mind, heart, expectations, and anxieties of humanity, which is about to cross with trepidation the threshold of the year two thousand.

The canonical system is also involved in this demanding and fascinating work of application, taking part, or better, visibly expressing by its very nature the inner soul of that society, at once external but always mystically supernatural, which is the Church. Thus, in the field of law, the revision of the Code of Canon Law was worked out by starting with today's reality and looking toward a hope-filled future, and I myself had the joy of promulgating it. This text, however, would cease being the tool which it must be for the saving work of the Church, if those responsible did not take care to apply it with diligence. As I stated in the constitution promulgating the Code: "Canonical laws by their very nature demand observance," for which "it is very much to be hoped that the new canonical legislation will be an effective instrument by the help of which the Church will be able to perfect itself in the spirit of the Second Vatican Council, and show itself ever more equal to carry out its salvific role in the world."

4. However, the application of canon law entails, rather, presupposes its correct interpretation. Here is where we find the principal function of the Rotal dicastery.

Everyone knows that judicial interpretation - in virtue of c. 6, §3 - does not have the force of general law, but obliges only the persons or pertains only to the matters about which the judgment was given. But the judge's work is no less relevant or essential because of this. If the work of judging consists in bringing the law to bear on reality, and thus of actuating concretely the intention of the abstract norm - limited, however, to the cases brought to judgment - certainly the judge is called to a delicate intermediary task in bringing together the legal system and those governed by it. The abstract majesty of the law - even canon law - would remain a value divorced from concrete reality in which human beings in general and the faithful in particular live and act, if the norm itself were not related to those for whom it has been established.

From this more general point of view one can well understand the essential work reserved to you, judges of the Rota. But there is something more particular and specific which pertains to you, since you are members of an apostolic tribunal, and as such, are called to play a specific role in the Church's relationship to the world today, as I just mentioned.

Again, precisely in the context of interpreting canon law, particularly where there are, or seem to be, *lacunæ legis*, the new Code - explaining in c. 19 what could be inferred also from the corresponding c. 20 of the preceding legislative text - clearly lays down the principle according to which the jurisprudence and praxis of the Roman Curia take their place among the other supplementary sources. If then we limit the significance of this expression to cases of marriage nullity, it seems evident that, on the level of substantive law, i.e., in deciding the merit of the cases presented, jurisprudence must be understood exclusively as that which emanates from the Tribunal of the Roman Rota. This context, therefore, explains

what the constitution *Pastor bonus* states in attributing to the Rota the responsibility of fostering “unity of jurisprudence, and by virtue of its own decisions provides assistance to lower tribunals” ([art. 126](#)).

5. Two demands then are given to your specific office: to safeguard the immutability of the divine law and the stability of the canonical norm and, at the same time, to protect and defend human dignity.

It was precisely his abiding concern to respect and protect the needs of contemporary humankind that guided the canonical legislator in the revision of the Code; in modifying institutions which were no longer appropriate for today’s culture; and in introducing other new ones which guarantee absolutely necessary and irrevocable rights. It is sufficient to recall here the new canonical legislation regarding persons in the Church and, in particular, *Christ’s faithful* (*christifideles*), as well as the reform of procedural law, organized in a collection of clearer and more streamlined norms, which above all are more attentive to the proper concern for human dignity.

Moreover, it was precisely the jurisprudence of this tribunal, which - although remaining within the impassable limits of divine natural law - was able to foresee and anticipate certain canonical regulations, e.g., in matrimonial law, which later were included in the present Code. This would not have been possible if the research, attention and sensitivity which were brought to bear on the reality of the *human person* had not guided and illumined the Rota’s work of jurisprudence. Naturally this was done with the help and the reciprocal influence of canonical science and those humanistic studies based on a correct philosophical and theological anthropology. Thus, through your specific work too, the Church shows the world not only her face as *minister of redemption*, but also that of *teacher of humanity*.

Therefore invoking light and strength from God for each of you in this arduous task, I cordially impart to you all - judges, officials and advocates - my apostolic blessing, as a pledge of God’s all-knowing and almighty assistance.

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