



# The Holy See

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

*Saturday, 17 February 1979*

I am grateful to you for this visit and, in particular, I thank your esteemed dean for his expression of your sentiments. I offer all of you my heartfelt greetings. I am delighted with this opportunity to meet for the first time those who, beyond all others, embody the Church's judicial function in the service of truth and love for the building up of the Body of Christ. I am happy to recognize in them, as in all administrators of justice and specialists in canon law, professionals of a vital role in the Church, indefatigable witnesses to a higher justice in the midst of a world characterized by injustice and violence, and, consequently, most valuable collaborators in the pastoral activity of the Church herself.

As you are well aware, the Church's vocation includes a committed effort to be the interpreter of that thirst for justice and dignity which the men and women of our age experience so strongly. In her function of proclaiming and upholding the basic rights of the human person at every stage of his or her existence, the Church is supported by the international community which recently celebrated with special ceremonies the thirtieth anniversary of the Universal Declaration of Human Rights and which has proclaimed 1979 to be the International Year of the Child.

Perhaps the history of the twentieth century will characterize the Church as the chief defender of the human person throughout the whole of his or her life beginning with conception. As the Church's self-awareness has developed, the human-Christian person has found not only recognition but also, and above all, an explicit, active, and balanced defense of personal basic rights in harmony with those of the ecclesial community. This, too, is a duty the Church cannot renounce. In the area of the relations between person and community, she provides a model for integrating the orderly development of society and the development of the Christian's personality in a community of faith, hope, and love (see *Lumen Gentium*, no. 8).

Canon law plays a role that is in the highest degree educative, both of individuals and of society, with the intention of bringing about an ordered and fruitful environment in which the human-Christian person can come into being and mature in an integral way. In fact, this can be realized only insofar as a person surrenders any exclusive individualism, since the person's vocation is communal as well as personal. Canon law agrees with and fosters this characteristic fulfillment insofar as it helps to overcome individualism, by leading—from a rejection of the self as an exclusive and isolated individual—to the affirmation of the self as an authentically social being through acknowledgement of and respect for the other as a *person* endowed with universal, inviolable, and inalienable rights and invested with a transcendent dignity.

But the task of the Church and her historical merit, which is to proclaim and defend in every place and in every age the fundamental human rights, does not exempt her but, on the contrary, obliges her to be herself a *mirror of justice* (*speculum iustitiæ*) for the world. In this regard, the Church has her own proper and specific responsibility.

This fundamental option, which indicates self-awareness on the part of the entire *People of God*, is a constant challenge and stimulus to all persons in the Church—and, in particular, to those who, like you, have a special responsibility in this regard—to “love righteousness and justice” (*Ps* 33:5). This applies above all to those who toil in the ecclesiastical tribunals, that is, to those who should “judge with... righteousness” (*Ps* 9:8; see *Ps* 7:9; 67:5; 96: 10 and 13; 98:9; etc.). As my esteemed predecessor Paul VI said that you who devote yourselves to the service of the noble virtue of justice can be called, in Ulpian's splendid phrase, “priests of justice,” because yours, in fact, is “a worthy and eminent ministry upon which reflects the very light of God—primordial and absolute justice, most pure source of all earthly justice. Your ministry of justice (*ministerium iustitiæ*), which must be always faithful and irreproachable, must be considered in this divine light. Under this light one understands why it must flee from even the most minute blemish of injustice so as to protect for this ministry its crystal purity” (January 11, 1965 supra p. 80).

The profound respect owed to the rights of the human person, which require urgent and solicitous protection, should motivate the ecclesiastical judge to observe exactly those procedural norms which are intended precisely to assure the rights of the person.

The ecclesiastical judge, therefore, will not only bear in mind that “the primary requirement of justice is to respect persons” (L. Bouyer, *L'Église de Dieu, Corps du Christ et temple de l'Esprit*, Paris, 1970, p. 599), but will also look beyond justice and strive for equity and, beyond this, for charity (see P. Andrieu-Guitrancourt, *Introduction sommaire à l'étude du droit en général et du droit canonique en particulier*, Paris, 1963, p. 22).

Thinking along these same lines, which have a solid basis in history and experience, the Second Vatican Council declared: “All should be treated with justice and humanity” (*Dignitatis humanæ*, no. 7). It also spoke—though with only civil society in mind—of “a positive legal system to

establish a suitable distinction of offices and institutions of the public authority and also to provide an effective and impartial protection of rights” (*Gaudium et spes*, no. 75.) It was in the light of these presuppositions that the constitution *Regimini Ecclesiae universae*, which dealt with the reform of the curia, decreed the establishment of a second section within the Supreme Tribunal of the Apostolic Signatura that has authority to settle “contentions which have arisen from the exercise of administrative ecclesiastical power, which are referred to it because of an interposed appeal or re-course against a decision of the competent department, whenever it is contended that the act itself violates some law” (Paul VI, Apostolic Constitution, *Regimini Ecclesiae universae*, August 15, 1967, in *AAS*, 59 [1967] pp. 921–922, no. 106).

Let us recall, finally, the incomparable picture which Pope Paul VI painted of the ecclesiastical judge: “The ecclesiastical judge is essentially that ‘living justice’ (*quædam iustitia animata*) of which St. Thomas speaks, citing Aristotle. He must, therefore, understand and fulfill his mission in a priestly spirit. Over and above the requisite knowledge—judicial, theological, psychological, social, etc.—he must also acquire a great and habitual self-mastery. He must strive to grow in virtue, lest he should eventually obscure with the filter of a defective and distorted personality the heavenly rays of justice, which the Lord grants to him for the correct exercise of his ministry. Thus in pronouncing judgment he will be a priest and pastor of souls with his eyes fixed on no one but God” (January 28, 1971, *supra* p. 110).

I want to advert to a problem that immediately strikes one observing the phenomenon of civil society and of the Church. I refer to the problem of the relation between the protection of rights and ecclesial communion. There is no doubt that the consolidation and safeguarding of ecclesial communion is a fundamental task that gives coherence to the entire canonical legal system and guides the activities of all its component parts. The very juridical life of the Church and, therefore, her judicial activity as well, is in itself by its nature pastoral: “The juridical life is one of the pastoral helps the Church uses in leading us to salvation” (Paul VI, February 4, 1977, *supra* p. 139). In its exercise, therefore, this life must always be profoundly inspired by the Holy Spirit to whose voice minds and hearts must be open.

On the other hand, the protection of rights and the corresponding control exercised over the actions of public administration constitute for the public authorities themselves an assurance that is of indisputable value. In the context of a possible rupture of ecclesial communion and of the strict requirement that it be restored, along with the various preliminary institutes—such as *equity*, *tolerance*, arbitration, conciliation, etc.—procedural law is an action of the Church, a tool to surmount and resolve conflicts. Consequently, in the vision of a Church which protects the rights of the individual faithful, but likewise promotes and protects the common good as an indispensable condition for the integral development of the human and Christian person, she also positively includes penal discipline. Even the penalty that is threatened by ecclesiastical authority—although in reality it is simply a recognition of a situation in which the subject has put himself or herself—is seen as a means of fostering communion, that is, as a means of repairing those deficiencies in the individual good and the common good that have come to light in the anti-ecclesial, criminal, and scandalous behavior of the members of the People of God.

Here again Pope Paul VI provides clarification: “The baptized cannot effectively exercise their fundamental rights unless they also acknowledge the duties which baptism brings and, especially, unless they are convinced that these rights are to be exercised within the communion of the Church. These rights are for the building up the Body of Christ, the Church, and must, therefore, be exercised in an orderly and peaceful way and may not be used to inflict harm” (February 4, 1977, *supra* p. 139).

If, then, the believers 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. I recalled this point explicitly in my message to the secretary [general] of the United Nations Organization on the occasion of the thirtieth anniversary of the Declaration of Human Rights: “While insisting—and rightly so—on the vindication of human rights, every individual has the obligation to exercise these fundamental rights in a responsible and ethically justified manner. Every man and woman has the duty to respect in others the rights claimed for oneself. Furthermore, we must all contribute our share to the building up of a society that makes possible and feasible the enjoyment of rights and the discharge of the duties inherent in these rights” (letter, December 2, 1978, in *AAS*, 71 [1979] pp. 124–125).

Despite the imperfections and difficulties which mark every human legal system, in the Church’s experience the words *law, judgment, and justice* have as their archetype a higher justice, namely the justice of God that is the goal to be reached and the other term in an inevitable comparison. The existence of such an exemplar entails an awesome task for all those who *exercise justice*.

In the historical tension to obtain a balanced integration of values, the emphasis at times has been on *social order* at the expense of the autonomy of the human person. The Church, however, has never ceased to preach “the dignity of the human person, as this is known from the revealed word of God and from reason itself” (*Dignitatis humanæ*, no. 2). She has always come to the aid of those who suffer from any form of oppression, by denouncing unjust situations when fundamental human rights and salvation require it and by calling—respectfully but unambiguously—for the rectification of similar situations that contravene justice.

In keeping with the Church’s transcendent mission, the *ministry of justice* entrusted to you lays on you a special responsibility for making the Church appear ever more clearly as a *mirror of justice*, the permanent incarnation of the Prince of Justice, thereby, leading the world into a blessed age of justice and peace.

I am certain that all those who participate in the Church’s judicial activity— especially the prelate auditors, officials, and entire personnel of the Apostolic Tribunal, along with the advocates and procurators—are fully cognizant of the importance of the pastoral mission in which they share, and are happy to carry it out with diligence and dedication, after the example of the many outstanding jurists and zealous priests, who have with such admirable solicitude devoted their gifts of mind and heart to the work of this tribunal.

I wish at this time to recall Cardinal Boleslaw Filipiak who was summoned to his heavenly home during the past year. I also wish to pay homage to our esteemed Monsignor Charles Lefebvre for his example of diligence and unselfishness. The Holy See continues to benefit by his valuable experience, now that he has ended the service he was rendering to the

Sacred Roman Rota until a few months ago.

I am grateful as well to those prelate auditors who for reasons of health have been unable to continue in service.

To all of you I offer my heartfelt gratitude and sincere appreciation as well as the assurance of my prayers. May the Lord be with you to help you, and may my encouragement and blessing be a source of support to you.

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