

Truth Is the Mother of Justice

Following are excerpts from an address given recently by Pope John Paul II to members of the Sacred Roman Rota, the chief court of appeals in the Church.

Last December, as you know, I made public my message for the celebration of the 13th World Day of Peace, the content of which is summed up in these words: "Truth, the power of Peace." On this occasion, I would like to talk to you, developing a particular aspect of the same subject, which is closely related to your ministry.



Truth does not become the power of peace unless through justice. Holy Scripture, speaking of messianic times, asserts on the one hand that justice is the source and companion of peace: "In his days may righteousness flourish and peace abound," and on the other hand, it repeatedly stresses the bond that associates truth with justice: "Faithfulness will look down from the sky," and again, "He will judge the world with righteousness, and the people with his truth."

Drawing inspiration from these and other texts of the sacred books, theologians and canonists, both medieval and modern, go so far as to affirm that justice has a relationship of dependence on truth. Truth — a famous canonical axiom asserts — is the basis, or ultimate mother of justice. Theologians, headed by St. Thomas Aquinas, have expressed themselves in the same way. Pius XII summed up the thought of the latter, affirming forcefully that "truth is the law of justice," and then commenting: "The world needs the truth which is justice, and that justice which is truth."

To refer to the field which is specifically yours, in all ecclesiastical trials truth must always be, from the beginning to the sentence, the foundation, mother and law of justice.

Since the main object of your activity is the "nullity or not of the marriage bond," it seems to me opportune to devote some reflections to matrimonial trials of nullity.

The immediate purpose of these trials is to ascertain

whether or not the facts exist which, by natural, divine or ecclesiastical law, invalidate marriage, in order to be able to arrive at the promulgation of a true and just sentence with regard to the alleged non-existence of the marriage bond.

The canonical judge must establish, therefore, whether the marriage celebrated was a true one. He is therefore bound by truth which he tries to investigate with commitment, humility and charity.

And this truth "will make free" those who turn to the church, tormented by painful situations, and above all by doubt whether that dynamic reality, involving the whole personality of two beings, which is the marriage bond, exists or not.

To limit as much as possible the margins of error in a precious and delicate service such as yours, the church has elaborated a procedure which, with the intention of ascertaining the objective truth, will, on the one hand, ensure the person the greatest guarantees in sustaining his own reasons, and, on the other, consistently respect the divine command: "What God has joined together, let no man put asunder."

All documents of the ecclesiastical judgement, from summons to the documents of defense, can and must be a source of truth; but the "documents of the case," and among the latter, the "documents relating to the preliminary investigation" must be so in a special way, since the preliminary investigation has as its specific purpose that of gathering proofs of the truth of the alleged fact in order that the judge may, on this basis, pass a just sentence.

For this purpose and on being summoned by the judge there will appear, in order to be questioned, the parties, the witnesses and if necessary the experts. The oath to tell the truth, which is required from all these persons, is perfectly consistent with the purpose of the preliminary investigation. It is not a question of creating an event that has never existed, but of making clear and emphasizing a fact that took place in the past and that still continues, perhaps, in the present.

The administration of justice entrusted to the judge is a service to truth and at the same time it is the exercise of a duty belonging to the public order. For

the law is entrusted to the judge for "its rational and normal application."

The plaintiff, therefore, must be able to invoke in his favor a law, which recognizes in the fact adduced a sufficient reason, for natural or divine, positive or canonical law, to invalidate the marriage; through this law the step will be taken from the truth of the fact to justice or recognition of what is due.

The judge's duties toward the law are, therefore, serious and multiple. I will mention only the first and most important one, which, moreover, implies all the others: faithfulness! Faithfulness to the law, to divine, natural and positive law, and to canonical, substantial and procedural law.

The typical objectivity of justice and of the trial, in the question of fact finds expression in adherence to the truth and in the question of law, is expressed in faithfulness; these are concepts which, as is clear, have a great affinity. The faithfulness of the judge to the law must lead him to identify himself with it, so it can be said that the judge is the law itself speaking.

Fr. Albert Shamon



Word for Sunday

Father Ed's Grand Finale

Sunday's Readings: (R3) Lk. 9:11-17. (R1) Gn. 14:18-20. (R2) 1 Cor. 11:23-26.

It was to be a great surprise. For nearly a year the wonderful people of St. Mary's, Waterloo, were preparing a great celebration for my 40th anniversary of ordination to the priesthood. Incredibly, the secret was kept to the very day of the celebration. Fr. Doell and the staff of St. Mary's should join the CIA.

The first suspicions of a celebration dawned when I discovered the hour of the Saturday evening Mass had been changed. Around 3:30, priests, long-standing friends like Fathers Paul Cuddy, Elmer Heindl, Emmett Halloran, David Simon, and George Gauthier, began percolating into the rectory. Lastly, my brother, Father Ed, trickled in. He was vested differently from the rest. I asked him why. He answered, "I'm the homilist." I kidded back and said, "Don't tell them everything that happened on Derby Avenue" (the street in Auburn where we lived as kids).

The Mass was one of the most beautiful I ever celebrated. One could feel, as so many told me, the presence of God and love in the assembly. I was reminded of the heavenly liturgy pictured so often in the book of Revelation. There was joy unconfined, clapping of hands, laughter, praise triumphant, mixed choirs of gladsome voices, drawn from St. Mary, St. Stephan, St. Francis de Sales; blaring trumpets and soul-stirring fanfares, a circle of priests concelebrating, like the elders around the throne of the Most High. It was, in hindsight, the grand finale, the crashing climax, like the thundering chords in Handel's Messiah, the coronation of a life of complete dedication to the Church, the priesthood, and the great Mother of God. Unbeknown to all of us, it was also to be a foretaste of the joy of the Lord into which Our Lady within an hour was going to lead him.

Everything about Father Ed was dramatic. He went out of life like a monarch, surrounded by his fellow priests and over 700 guests dressed for a banquet celebration. Father Ed went from one banquet to the heavenly one.

Just two things about Fr. Ed. First, he loved Our Lady

dearly. In 1974 he toured the diocese with the statue of Our Lady of Fatima. And with his usual flair, dynamism, booming voice and indefatigable energy scattered the Fatima message throughout the diocese. It is more than coincidence that he died on Saturday, Our Lady's day, and in her beautiful month of May; that his last homily and Mass were in the church dedicated to the Assumption — St. Mary's of Waterloo; that his homily concluded with the poem, "Lovely Lady Dressed in Blue."

Secondly, Fr. Ed had the salty wit of a Will Rogers, and his cracker-barrel philosophy. Not too long ago he confronted a group of Jehovah Witness leaders. They quoted chapter and verse texts from the Bible and began to deride Fr. Ed for not knowing biblical texts by chapter and verse. Fr. Ed asked for a phone book and opened it at random. Then he asked his adversaries to give him the names of the people listed on page 32. Of course they could not. Then he nailed down the argument: the important thing is to know how to use the phone book, not its pages and numbers — so with Scripture.

Then there was his wit. Just before going to the Holiday Inn for my surprise anniversary party banquet, he was regaling a group with this joke: A widow of 80 was having a retirement party. Someone said it must be lonely now with no man in her life. She said it was not so, for "I have five men in my life — Will, Jerry, Art, Charlie and Ben." Then she

explained. "I get up every morning with Will power. I go down to breakfast with Geritol. I go through the day with Art-hritis. I end it with Charley-horse and I go to bed every night with Ben Gay."

That was Father Ed — always making people laugh, always defending the Church, always a priest — a brother, a twin. He has stepped out of the shadows into eternal life. May the lovely Lady dressed in blue whom he so dearly loved and proclaimed lead him to her divine Son.

Tutors Sought

Volunteers are needed at Baden Street Settlement to tutor elementary school children in reading and math. They would work twice a week for two hours in the morning, afternoon or evening. An orientation session for volunteers is scheduled for July 12. Details may be obtained from Jeanine Parker, tutoring coordinator, at 325-4910, ext. 32.

Puzzle on Page 7

PUZZLE ANSWERS FOR SUNDAY, JUNE 8, 1980

I. 1. fishes 2. twelve 3. hunger 4. Matthew 5. eat 6. seed 7. money 8. hood 9. sour 10. dot 11. yo yo 12. move.
Key Passage I. He answered them, "Why do you not give them some food to eat yourselves?"
II. "Blessed be Abram by God Most High, the creator of heaven and earth, and blessed be God Most High, who delivered your foes into your hands."
III. In the same way, after the supper, he took the cup, saying, "This cup is the new covenant in my blood. Do this, whenever you drink it, in remembrance of me."

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