



# The Holy See

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## ***ADDRESS OF HIS HOLINESS JOHN PAUL II TO CATHOLIC JURISTS***

*Consistory Hall*

*Saturday, 25 November 1978*

*Gentlemen and beloved Sons,*

It is a deep joy for me to receive today you, Italian Catholic Jurists, who have come to Rome for the 29th national meeting of your Union. The latter has, right from its foundation, we can say, anticipated the directions of the Second Vatican Council with regard to the mission of the Christian laity. Personalities outstanding for ardent faith, deep philosophical thought and unquestioned technico-juridical competence, have wished to commit themselves, through your well-deserving Association, to "contributing to the implementation of the principles of Christian ethics in juridical science, legislative, judicial and administrative activity, in the whole of public and professional life", as your Statute says in article two.

Not only is your qualified presence at this Audience a great consolation for me, but also the knowledge that in the last thirty years the Union has endeavoured to give a Christian inspiration in many fields of social life. A sign and proof of this are the proceedings of the study meetings and the publications of the Union, all characterized by the spirit of service with regard to the human person, for the purposes of the affirmation and promotion of his inalienable rights and values of freedom, inviolability and development.

But what is particularly comforting is the constant faithfulness manifested to the Church, to the Pope and to the Bishops, whose teachings and directions have always been accepted by your Union with respect, love and devotion, without yielding to the allurements and temptations of misunderstood autonomies in proposing and defending the principles of natural and Christian ethics, which govern the institution of marriage, and in affirming also the inviolability and sacralty of human life from conception, in morals and in the law.

Your Union has considered it an honour, prior even to being a duty, to accept and follow the word of the Vicar of Christ. And you have not lacked this authoritative word in the past: Pius XII, John XXIII and Paul VI delivered, on the occasion of the meetings of the Union, addresses with a high doctrinal content, offering principles and illuminating indications of universal validity on the serious problems which society raises for the Christian jurist. I have pleasure in recalling the address—still so relevant today—delivered by Paul VI, of venerated memory, on 9 December 1972, on the occasion of your meeting on "Defence of the right to birth".

And the Pope's word does not wish to be lacking today, on the occasion of the meeting which has as its subject "The freedom of assistance" .

This issue—such a delicate and sensitive one—must certainly be tackled by the jurist in all its complex juridical problems (constitutional, technico-legislative, philosophico-juridical), but it cannot be adequately studied without involving the plan of society which it is desired to implement, and even more so, the view of the human person—of his fundamental rights and freedoms—which qualifies the same plan of society.

Society is made for man, "hominis causa omne jus constitutum est". Society with its laws is placed in the service of man; for the salvation of man the Church was founded by Christ (cf. *Lumen Gentium*, 48; *Gaudium et Spes*, 45). Therefore the Church, too, has its word to say with regard to this subject.

And she must say, in the first place, that the problem of "freedom of assistance" in a modern State, which wishes to be democratic, falls under the wider topic of human rights, civil freedoms and religious liberty itself.

Man is an intelligent and free being, ordained by natural purpose to realize the potentialities of his person in society. Expressions of this innate social character are the natural society based on marriage, one and indissoluble, such as is the family, and the free intermediary formations; the political community, of which the State in its various institutional articulations is the juridical form.

The State must ensure to all its members the possibility of a full development of their person. This requires that those who are in conditions of necessity and need owing to illness, poverty, disablements of various kinds, should be offered those services and those aids which their particular situation calls for. Even before being an obligation of justice on the part of the State, this is an obligation of solidarity on the part of each citizen.

For the believer, furthermore, it is an irrepressible requirement of his faith in God the Father, who calls all men to constitute a communion of brothers in Christ (cf. Mt 23: 8-9). It is joyful obedience to the biblical commandment: "Deus mandavit illis unicuique de proximo suo" (God gave commandment to each of them concerning his neighbour) (cf. Sir 17:14). It is the full realization of

the desire to discover, to meet Christ in one's suffering neighbour: "As you did it to one of the least of these my brethren, you did it to me" (cf. Mt 25:34-40).

All this is the basis of the duty of assistance, but also of its irrepressible freedom. The citizen, as an individual or in association, must be free to offer services of assistance in conformity with his own capacities and his own ideal inspiration.

The Church must be free—as already "in the early days the Church linked the *agape* to the eucharistic supper, and by so doing showed itself as one body around Christ united by the bond of charity. So too, in all ages, love is its characteristic mark. While rejoicing at initiatives taken elsewhere, it claims charitable works as its own mission and right" (*Apostolicam Actuositatem*, 8).

These freedoms would not be respected, either in the letter or in the spirit, if the tendency prevailed to attribute to the State and to the other territorial expressions of the public authority a centralizing and exclusive function of organization and direct management of the services or of rigid control, which would end up by distorting their own legitimate function of promotion, propulsion, integration and even—if necessary—of substitution of the initiative of free social formations according to the principle of subsidiarity.

The Italian Episcopate—as is known—has manifested also recently its concern at the real danger that actual spaces of freedom may be restricted, and that the free action of persons, families, intermediate bodies, and civil and religious associations themselves, will be reduced and limited more and more, in favour of the public authority with the result of "deresponsibilizing and creating dangerous premises of a collectivity, which destroys man, suppressing his fundamental rights and his free capacities of expression" (Communique of the Italian Episcopal Episcopate [C.E.I.] in January 1978).

The same Italian Episcopate also expressed concern that well-deserving works which, for centuries, under the impetus of Christian charity, have taken care of orphans, the blind, the deaf and dumb, the old and all kinds of needy persons, thanks to the generosity of donors and to the personal sacrifice, sometimes heroic, of religious women and men, and which by virtue of legislative provisions had to assume, in spite of themselves, the juridical figure of public Institutions of Welfare and Charity—with a certain guarantee, however, for the purposes for which they were instituted—may be suppressed or in any case not sufficiently and effectively guaranteed.

The Pope cannot remain indifferent to these concerns, which regard the very possibility of the Church to carry out her mission of charity, and which also regard the freedom of Catholics and of all citizens, individually or in association, to set up organizations in conformity with their ideals, in respect for just laws and in the service of their needy neighbour.

I hope, therefore, that your meeting will be successful in the study of a subject, which involves the very nature of the Church in her original commitment of dedication to others; and that your well-deserving Union will continue to give Italian society a fruitful contribution of ideas, proposals, but above all a testimony of Christian inspiration and life, especially in the professional field.

With these wishes I very willingly and warmly impart to you the Apostolic Blessing, which I intend to extend to all Catholic jurists and to their dear ones.

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