



The Holy See

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

24 January 1981

Monsignor Dean, most reverend prelate auditors, dear officials of the Sacred Roman Rota. I am happy to be able to meet you today on the occasion of the inauguration of the new judicial year of this tribunal. I heartily thank his excellency the dean for the lofty words addressed to me and for the wise methodological proposals he formulated. I greet all of you with paternal affection, while expressing my heartfelt appreciation for your work, so delicate and so necessary, which is an integral and skilled part of the pastoral office of the Church.

The specific competence of the Sacred Roman Rota on matrimonial causes touches very closely on the very topical theme of the family, which was the object of study by the recent Synod of Bishops. I intend to talk to you now about the juridical protection of the family in the judicial activity of ecclesiastical tribunals.

2. With deep evangelical spirit the Second Vatican Council accustomed us to looking at men and women, to understanding them in all their problems and to helping them resolve the existential problems in the light of truth revealed to us by Christ and with the grace that the divine mysteries of salvation offer to us.

Among those problems, which today most trouble the hearts of people and affect the human environment, both familial and social, in which they live and work—and is preeminent and inviolable—is that of conjugal love, which links two human beings of distinct sexes, making them a community of life and love, uniting them in matrimony.

As Vatican II emphasizes from matrimony springs the family, in which “different generations meet and help each other to increase in wisdom and to reconcile the rights of persons with other requirements of social life, constitutes the basis of society” (GS, no. 52). In truth, adds the Council: “The well-being of the person and of human and Christian society is intimately connected with the healthy state of the community of marriage and the family” (GS, no. 47). But with the same Council we must recognize that: “The dignity of this institution, however, is not in evidence to the same degree everywhere, being obscured by polygamy, the plague of divorce, free love, and other deformities. And married love is often demeaned by selfishness, pleasure seeking, and wrongful practices against having children” (GS, no. 47). Also because of the grave difficulties which, at times with violence, spring from profound changes in today’s society, the

institution of marriage reveals its irreplaceable value and the family still remains “a school for a richer humanity” (GS, no. 52). Before the grave evils that today torment nearly everywhere this great good which is the family, the formulation of a universally recognized charter of family rights has been suggested, in order to assure this institution its just protection—this is also in the interests of all of society.

3. The Church, on its own part and in the area of its competence, has always sought to protect the family even with an appropriate legislation, besides favoring it and helping it with various pastoral initiatives. I have already cited the recent Synod of Bishops. It is well known how, since the beginnings of its magisterium, the Church—confirmed by the word of the Gospel (cf. *Mt* 19:5; 5:32)—has always taught and confirmed explicitly the precept of Jesus on the unity and indissolubility of marriage, without which there can never be a secure family, the healthy and truly vital cell of society. Against the Greco-Roman and Judaic praxis, which even facilitated divorce, the apostle Paul already declared: “To the married I give this command—not I but the Lord—that the wife should not separate from her husband . . . and that the husband should not divorce his wife” (1 *Cor* 7:10–11). The preaching of the fathers followed, in which, in light of the spread of divorce, they affirmed with insistence that matrimony is indissoluble by divine will.

Therefore, respect for the laws willed by God for the coming together of man and woman and for the continuance of their union was a new element that Christianity introduced to the institution of marriage. In matrimony, the Second Vatican Council said later: “The covenant, or irrevocable personal consent, of marriage sets up an intimate sharing of married life and love as instituted by the Creator and regulated by God’s laws. Thus, the human action in which spouses give themselves to each other and accept each other results in an institution which is stable by divine ordinance and also in the eyes of society” (GS, no. 48).

This doctrine immediately guided the ministry, the conduct of Christian couples, marriage ethics, and juridical discipline. The catechetical-pastoral action of the Church—supported and confirmed by the witness of Christian families—introduced modifications even in the Roman legislation, which under the Justinian Code no longer allowed divorce *sine causa* and gradually agreed with the Christian institution of marriage. It was a great victory for society because the Church, having affirmed through the family the dignity of women and of marriage contributed to saving the best of the Greco-Roman culture.

4. In the present social context, the Church must again today make a pristine effort—doctrinal and pastoral, of behavior and praxis, as well as legislative and judicial.

The welfare of the human person and the family, in which one realizes the great part of one’s dignity as well as the good of society itself, demands that the Church today, even more than in the recent past, encircle the matrimonial and familial institution with particular protection.

The pastoral effort sought also by the recent Synod of Bishops could turn out to be almost in vain if it were not accompanied by a corresponding legislative and judicial action. To the comfort of all pastors, we can say that the new canonical codification is making provision with wise juridical norms to translate everything that has emerged from the last Ecumenical Council in favor of matrimony and the family. The voices heard in the recent Synod of Bishops concerning the alarming increase of matrimonial cases in the ecclesiastical tribunals will certainly be weighed by those in charge of

revising the Code of Canon Law. It is likewise certain that pastors, by way of response to the requests of the aforesaid Synod, will know how with increasing pastoral commitment to promote adequate preparation of engaged couples for the celebration of matrimony. The stability of the marriage bond and the happy continuance of the family community depend, indeed, not a little on the preparation by the betrothed for their marriage. But it is also true that the preparation for matrimony itself could be negatively influenced by declarations or judgments of matrimonial nullity if these would be too easily obtained. If among the evils of divorce exists the danger of making the celebration of matrimony less serious and demanding to the point that today among many young people it has lost its due consideration, we must also fear that judgments of declaration of matrimonial nullity, if they were to multiply as easy and hasty pronouncements, would add to the same existential and psychological perspective. "Hence the ecclesiastical judge," my venerated predecessor Pius XII warned, "must not be hasty to declare the nullity of marriage, but should rather make every effort to validate that which has been invalidly contracted, especially when this is made advisable by the circumstances of the particular case" (October 3, 1941, *supra* pp. 13–14). In the explanation of this warning he had stated: "As regards declarations of nullity of marriages, everyone knows that the Church is rather wary and disinclined to favor them. Indeed, if the tranquillity, stability, and security of human intercourse in general demand that contracts be not lightly set aside, this is still more true of a contract of such importance as marriage, whose firmness and stability are necessary for the common welfare of human society as well as for the private good of the parties and the children, and whose sacramental dignity forbids that it be lightly exposed to the danger of profanation" (October 3, 1941, *supra* p. 13). The Supreme Tribunal of the Apostolic Signatura, with its wise and prudent work of vigilance, is contributing laudably to avert this danger. It seems to me that the judicial action of the Tribunal of the Sacred Roman Rota is equally effective. To the vigilance of the former and the healthy jurisprudence of the latter must correspond equally wise and responsible work in the lower courts.

5. The attention and prompt readiness of the diocesan and regional tribunals to follow the directives of the Holy See, the constant jurisprudence of the Rota, and the faithful application of the norms—both the substantive and the procedural—already codified, without having recourse to presumed or probable innovations or to interpretations that do not correspond objectively to the canonical norm and not supported by any dependable jurisprudence contribute to the necessary protection of the family. *Indeed, any innovation of law, substantive or procedural, that does not correspond to the jurisprudence or practice of the tribunals and dicasteries of the Holy See, is reckless.* We must be convinced that a serene, attentive, thought-out, complete, and exhaustive examination of marriage cases demands full conformity to the correct doctrine of the Church, to canon law, and to sound canonical jurisprudence, which has come to maturity above all through the contribution of the Sacred Roman Rota. All this must be considered, as Paul VI of venerable memory has already said to you, as "*wise means*" and "is like a main line train track whose axis is the search for objective truth and whose terminus is the proper administration of justice" (January 28, 1978, *supra* p. 145).

In this search, all the ministers of the ecclesiastical tribunal—each one respecting his/her own role and that of others—must have particular, constant, and conscientious regard for the formation of free and valid matrimonial consent, always joined with equally constant and conscientious solicitude for the protection of the sacrament of matrimony. Both attention to the problems of the person and attention to the laws—divine and natural law or the positive law of the Church which are the foundation for the valid celebration and the continuation of marriage—contribute to gaining knowledge of objective truth, namely of the existence of a validly contracted matrimonial bond or its nonexistence. Canonical justice—which, in the beautiful expression of St. Gregory the Great, we meaningfully call priestly—emerges from the totality of all the procedural proofs, evaluated conscientiously in the light of the Church's doctrine and law and

with the support of the most dependable jurisprudence. The welfare of the family demands this. Keep in mind that every defense of the legitimate family is always in favor of the person, while one-sided concern for the individual can be harmful for the same human person, besides harming matrimony and the family, which are goods of both the person and society. It is in this perspective that the dispositions of the existing Code regarding matrimony should be seen.

6. The Synod's message to Christian families highlighted the great good that the family, above all the Christian family, constitutes and realizes for the human person. The family "helps its members become protagonists of the history of salvation and together living signs of the plan God has for the world" (SYNOD OF BISHOPS, message, October 25, 1980, no. 8). For judicial activity to be also an activity of the Church, one must keep in mind this reality of marriage—which is not only natural but also supernatural—and of the family, which has its origin in marriage. Nature and grace show us, even if in different ways and degrees, a divine plan for marriage and the family, which must always be attended to, safeguarded, and, according to the specific tasks of each Church activity, favored so that it be received by human society as widely as possible.

The Church, therefore, also with its law and the exercise of its *judicial authority* can and must safeguard the values of marriage and the family to promote human persons and foster their dignity.

Like legislative activity, the judicial action of Church marriage courts ought to help human persons in the pursuit of objective truth, and thus to affirm the truth so that they may be able to know, live, and realize the plan of love assigned to them by God.

The invitation that Vatican II addressed to all, particularly those "who have influence in communities and social bodies," therefore involves responsibly the ministers of ecclesiastical tribunals for marriage cases as well, since these, too, in serving truth and administering justice well, collaborate for the welfare "of marriage and the family" (GS, no. 52).

Therefore to you, Monsignor Dean, to the prelate auditors, and the officials of the Sacred Roman Rota, I offer my cordial wishes for a serene and profitable work, pursued in the light of today's considerations.

As I happily reiterate my appreciation for the precious and untiring activity of this tribunal, from my heart I impart to all of you my special apostolic blessing, as a request for the favor of divine assistance on your delicate task and a sign of my constant good will.