



The Holy See

**ADDRESS OF JOHN PAUL II
TO THE PRELATE AUDITORS, OFFICIALS AND ADVOCATES
OF THE TRIBUNAL OF THE ROMAN ROTA**

Thursday, 1 February 2001

1. The opening of the new judicial year of the Tribunal of the Roman Rota offers me an appropriate occasion to meet you once again. In greeting all present with affection, I am particularly pleased to express to you, dear Prelate Auditors, officials and advocates, my heartfelt appreciation of the prudent and strenuous work you devote to the administration of justice in the service of this Apostolic See. With professional skill you endeavour to safeguard the sanctity and indissolubility of marriage and, in short, the sacred rights of the human person in accordance with the age-old tradition of the Rotal Tribunal.

I thank His Excellency the Dean for voicing and expressing your sentiments and fidelity. His words fittingly allowed us to relive the Great Jubilee which has just ended.

2. Families, in fact, were among those who played a leading role during the Jubilee days, as I pointed out in the Apostolic Letter *Novo millennio ineunte* (cf. n. 10). There I recalled the risks to which the family institution is exposed, stressing that "this fundamental institution is experiencing a radical and widespread crisis" (n. 47). Among the most difficult challenges facing the Church today is that of a pervasive culture of individualism, which tends, as His Excellency the Dean put it so well, to limit and restrict marriage and the family to the private sphere. Therefore, I think it appropriate this morning to revisit several themes that I dwelt on in our previous meetings (cf. *Addresses to the Rota*, 28 January 1991: AAS, 83, pp. 947-953; and 21 January 1999: AAS, 91, pp. 622-627), to reaffirm the traditional teaching about the natural dimension of marriage and the family.

The Church's Magisterium and canonical legislation abound with references to the natural character of marriage. In *Gaudium et spes* the Second Vatican Council, after first stating that "God

himself is the author of marriage and has endowed it with various benefits and ends" (n. 48), addresses several problems of conjugal morality by referring to "objective criteria drawn from the nature of the human person and of his acts" (n. 51). For their part, both of the Codes I promulgated affirm in their definition of marriage that the "*consortium totius vitae*" is "by its very nature ordered to the good of the spouses and the procreation and education of children" (*CIC*, can. 1055; *CCEO*, can. 776, 1).

This truth, in the climate created by an ever more marked secularization and a thoroughly privatistic approach to marriage and the family, is not only disregarded but openly challenged.

3. Many misunderstandings have beset the very idea of "nature". The metaphysical concept, referred to by the Church documents cited above, has been particularly neglected. There is a tendency to reduce what is specifically human to the cultural sphere, claiming a completely autonomous creativity and efficacy for the person at both the individual and social levels. From this viewpoint, the natural is merely a physical, biological and sociological datum to be technologically manipulated according to one's own interests.

This opposition between culture and nature deprives culture of any objective foundation, leaving it at the mercy of will and power. This can be seen very clearly in the current attempts to present *de facto* unions, including those of homosexuals, as comparable to marriage, whose natural character is precisely denied.

This merely empirical conception of nature makes it radically impossible to understand that the human body is not something extrinsic to the person, but constitutes, along with the spiritual and immortal soul, an intrinsic principle of that unitary being which is the human person. This is what I explained in the Encyclical *Veritatis splendor* (cf. nn. 46-50: *AAS*, 85 [1993], pp. 1169-1174), where I stressed the moral relevance of this doctrine, so important for marriage and the family. In fact, one can easily search in false spiritualities for an alleged confirmation of what is contrary to the spiritual reality of the marital bond.

4. When the Church teaches that marriage is a natural reality, she is proposing a truth evinced by reason for the good of the couple and of society, and confirmed by the revelation of Our Lord, who closely and explicitly relates the marital union to the "beginning" (*Mt* 19: 4-8) spoken of in the Book of Genesis: "male and female he created them" (*Gn* 1: 27), and "the two shall become one flesh" (*Gn* 2: 24).

The fact, however, that the natural datum is authoritatively confirmed and raised by Our Lord to a sacrament in no way justifies the tendency, unfortunately widespread today, to ideologize the idea of marriage - nature, essential properties and ends - by claiming a different valid conception for a believer or a non-believer, for a Catholic or a non-Catholic, as though the sacrament were a subsequent and extrinsic reality to the natural datum and not the natural datum itself evinced by

reason, taken up and raised by Christ to a sign and means of salvation.

Marriage is not just any union between human persons that can be formed according to a variety of cultural models. Man and woman experience in themselves the natural inclination to be joined in marriage. But marriage, as St Thomas states so clearly, is natural not because "it results by necessity from natural principles", but because it is a reality "to which one is inclined by nature, although it comes about through free will" (*Summa Theol.*, Suppl., q. 41, a. 1, in c.). Any opposition, therefore, between nature and freedom or between nature and culture is extremely misleading.

In examining the historical and contemporary reality of the family, there is frequently a tendency to emphasize the differences in order to relativize the very existence of a natural plan for the union of man and woman. The more realistic observation, however, is that, along with the difficulties, limitations and deviations, man and woman have always had a profound inclination in their being which is not the result of their own creativity and which, in its basic features, fully transcends historical and cultural differences.

The only way, in fact, that the authentic richness and variety of all that is essentially human can come to light is through fidelity to the requirements of one's nature. In marriage too, the desirable harmony between the diversity of expressions and the essential unity is not only conjectural, but is guaranteed by living in fidelity to the natural requirements of the person. Christians, moreover, know that for this task they can count on the strength of grace, which is capable of healing nature wounded by sin.

5. The "*consortium totius vitae*" requires the reciprocal self-giving of the spouses (*CIC*, can. 1057, 2; *CCEO*, can. 817, 1). But this personal self-giving needs a principle to specify it and a permanent foundation. The natural consideration of marriage shows us that husband and wife are joined precisely as sexually different persons with all the wealth, including spiritual wealth, that this difference has at the human level. Husband and wife are united as a man-person and a woman-person. The reference to the natural dimension of their masculinity and femininity is crucial for understanding the essence of marriage. The personal bond of marriage is established precisely at the natural level of the male or female mode of being a human person.

The scope of action for the couple and, therefore, of their matrimonial rights and duties follows from that of their being and has its true foundation in the latter. In this way, therefore, man and woman, by virtue of that most unique act of will which is marital consent (*CIC*, can. 1057, 2; *CCEO*, can. 817, 1), freely establish between themselves a bond prefigured by their nature, which now represents for both of them a true vocational path on which to live their own personhood as a response to God's plan.

The ordering to the natural ends of marriage - the good of the spouses and the procreation and

education of offspring - is intrinsically present in masculinity and femininity. This teleological characteristic is crucial for understanding the natural dimension of the union. In this sense, the natural character of marriage is better understood when it is not separated from the family.

Marriage and the family are inseparable, because the masculinity and femininity of the married couple are constitutively open to the gift of children. Without this openness there could not even be a good of the spouses worthy of the name.

The essential properties, unity and indissolubility, are also inscribed in the very being of marriage, since in no way are they laws extrinsic to it. Only if marriage is seen as a union involving the person in the realization of his natural relational structure, which remains essentially the same throughout his personal life, can it withstand the changes of life, the efforts and even the crises through which human freedom often passes in living its commitments. But if the marital union is thought to be based only on personal qualities, interests or attractions, it obviously is no longer seen as a natural reality but as a situation dependent on the current perseverance of the will in relation to the continuance of contingent facts and feelings. Certainly, the bond is caused by consent, that is, by an act of the man's and the woman's will, but this consent actualizes a power already existing in the nature of man and woman. Thus, the indissoluble force of the bond itself is based on the natural reality of the union freely established between man and woman.

6. These ontological premises have many consequences. I will limit myself to pointing out those that are particularly important and relevant to the canon law of marriage. Thus, in the light of marriage as a natural reality we can easily grasp the natural character of the capacity to marry: *"All who are not prohibited by law can contract marriage"* (CIC, can. 1058; CCEO, can. 778). No interpretation of the norms on the incapacity for consent (cf. CIC, can. 1095; CCEO, can. 818) would be correct if it were to make that principle useless in practice: *"The science of law"*, Cicero said, *"must be drawn from man's inmost nature"* (Cicero, *De Legibus*, II).

The norm of canon 1058 cited above becomes even clearer if we keep in mind that by its nature the marital union involves the masculinity and femininity itself of the married couple; therefore it is not a union that essentially requires unusual characteristics in the contracting parties. If that were the case, matrimony would be reduced to a factual integration of persons and their characteristics, and its duration would also depend only on the existence of a no better determined interpersonal affection.

To a certain widespread mentality today this view may seem to conflict with the demands of personal fulfilment. What is difficult for this mentality to understand is the very possibility of a true marriage that has not succeeded. The explanation is found in the framework of an integral human and Christian vision of life. This is certainly not the moment to dwell on the truths that shed light on this question: in particular, the truths about human freedom in the present condition of fallen but redeemed nature, about sin, forgiveness and grace.

It will be enough to recall that even marriage does not escape the logic of Christ's Cross, which indeed requires effort and sacrifice and involves pain and suffering, but does not prevent, in the acceptance of God's will, complete and authentic personal fulfilment in peace and serenity of spirit.

7. The very act of marital consent is best understood in relation to the natural dimension of the union. For the latter is the objective reference-point by which the individual lives his natural inclination. Hence the normality and simplicity of true consent. To present consent as the following of a cultural model or one of positive law is not realistic and risks needlessly complicating the investigation of matrimonial validity. It is a question of seeing whether the persons, in addition to identifying each other's person, have truly grasped the essential natural dimension of their married state, which implies, as an intrinsic requirement, fidelity, indissolubility and potential fatherhood/motherhood as goods that integrate a relationship of justice.

"Even the most profound or subtle science of law", Pope Pius XII of venerable memory warned, "could not identify another criterion for distinguishing between just and unjust laws, between the mere legal right and the true right, than the criterion which can already be perceived by the light of reason alone from the nature of things and of man himself, the criterion of the law written by the Creator in the human heart and expressly confirmed by Revelation. If law and juridical science do not wish to renounce the only guide that can keep them on the right path, they must recognize 'ethical obligations' as valid objective norms for the juridical order too" (*Address to the Rota*, 13 November 1949: *AAS*, 41, p. 607).

8. In drawing to a close, I would like to dwell briefly on the relationship between the natural character of marriage and its sacramentality, seeing that there have been frequent attempts since Vatican II to revitalize the supernatural aspect of marriage which include theological, pastoral and canonical proposals that are foreign to tradition, such as the attempt to require faith as a prerequisite for marriage.

Shortly after the start of my Pontificate, following the Synod of Bishops on the family which discussed this topic, I addressed it in *Familiaris consortio*, writing in 1980: "The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator" (n. 68: *AAS*, 73, p. 163). Consequently, the only way to identify the reality that was linked from the beginning with the economy of salvation and that in the fullness of time is one of the seven sacraments of the New Covenant in the proper sense is to refer to the natural reality presented to us by Scripture in Genesis (1: 27; 2: 18-25). This is what Jesus did in speaking about the indissolubility of the marital bond (cf. *Mt* 19: 3-12; *Mk* 10: 1-2), and what St Paul did in explaining the nature of the "great mystery" which marriage has "in reference to Christ and the Church" (*Eph* 5: 32).

Matrimony, moreover, while being a "*sign signifying and conferring grace*", is the only one of the

seven sacraments that is not related to an activity specifically ordered to the attainment of directly supernatural ends. For the ends of marriage are not only predominantly but properly "*by its very nature*" the *good of the spouses* and the *procreation and education of offspring* (CIC, can. 1055).

A different viewpoint would consider the sacramental sign to consist in the couple's response of faith and Christian life; thus it would lack an objective consistency allowing it to be numbered among the true Christian sacraments. To obscure the natural dimension of marriage, therefore, with its reduction to a mere subjective experience, also entails the implicit denial of its sacramentality. On the contrary, it is precisely the correct understanding of this sacramentality in the Christian life which spurs us to a new estimation of its natural dimension.

On the other hand, to introduce requirements of intention or faith for the sacrament that go beyond that of marrying according to God's plan from the "beginning" - in addition to the grave risks that I mentioned in *Familiaris consortio* (n. 68, loc. cit., pp. 164-165): unfounded and discriminatory judgements, doubts about the validity of marriages already celebrated, particularly by baptized non-Catholics - would inevitably mean separating the marriage of Christians from that of other people. This would be deeply contrary to the true meaning of God's plan, in which it is precisely the created reality that is a "great mystery" in reference to Christ and the Church.

9. Dear Prelate Auditors, officials and advocates, these are some of the reflections I wanted to share with you to guide and support your valuable service to the People of God.

Upon each of you and your daily work I invoke the special protection of Mary Most Holy, *Mirror of Justice*, and cordially give you my Apostolic Blessing, which I gladly extend to your relatives and to the students of the *Studio Rotale*.