



# The Holy See

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

*21 January 1999*

1. The solemn opening of the Tribunal of the Roman Rota's judicial activity offers me the joy of receiving its members to tell them of the Holy See's esteem and gratitude in following and encouraging their work.

I greet and thank His Excellency the Dean, who has worthily voiced the sentiments of everyone here, giving enthusiastic and profound expression to the pastoral intentions that inspire your daily efforts.

I greet the College of Prelate Auditors, those still serving and those retired, the major and minor officials, the rotal advocates and the students of the *Studio Rotale* with their family members. I offer you my cordial wishes for the year just begun.

2. His Excellency the Dean dwelt on the pastoral significance of your work, showing its great importance in the Church's daily life. I share a similar vision and encourage you to cultivate this outlook in all your proceedings, an outlook which puts you in complete harmony with the supreme purpose of the Church's activity (cf. *CIC*, c. 1742). On another occasion I mentioned this aspect of your judicial office, with particular reference to procedural questions (cf. *Address to the Rota*, January 22, 1996, in *AAS*, 88 [1996], p. 775). Today too, I urge you in the resolution of cases to give priority to the search for truth, using juridical procedures only as a means to this end. The subject I intend to address at today's meeting is *an analysis of the nature of marriage* and its essential characteristics in the light of the natural law.

Everyone knows the contribution which the jurisprudence of your Tribunal has made to our knowledge of the institution of marriage by offering a very sound doctrinal reference-point for other ecclesiastical tribunals (cf. *Address to the Rota*, in *AAS* 73 [1981], p. 232; *Address to the Rota*, in *AAS* 76 [1984], pp. 647f.; Apost. Const. *Pastor Bonus*, Art. 126). This has made it possible to bring into ever better focus the essential content of marriage on the basis of a more adequate knowledge of the human person.

In the mentality of the contemporary world, however, we can discern a widespread deterioration of the natural and

religious meaning of marriage, with troubling repercussions in both the personal and the public sphere. As everyone knows, not only are the properties and ends of marriage called into question today, but even the value and the very usefulness of the institution. While avoiding undue generalizations, we cannot ignore, in this regard, the growing phenomenon of mere de facto unions (cf. Apost. Exhort. *Familiaris consortio*, no. 81, in AAS, 74 [1982], pp. 181f.), and the unrelenting public opinion campaigns to gain the dignity of marriage even for unions between persons of the same sex.

It is not my intention to go on deploring and condemning in a setting such as this, where the primary concern is to correct and redeem painful and often tragic situations. I would like instead to remind not only those who belong to the Church of Christ the Lord, but every one concerned with true human progress, how serious and indispensable are certain principles that are fundamental for human society and even more so for safeguarding the human dignity of every person.

3. The central core and foundation of these principles is *the authentic concept of conjugal love* between two persons of equal dignity, but different and complementary in their sexuality.

Obviously, this statement must be correctly understood, without falling into the facile misunderstanding that sometimes confuses a vague feeling or even a strong psychophysical attraction with real love for another person, which consists of a sincere desire for his or her welfare and is expressed in a concrete commitment to achieve it. This is the clear teaching of the Second Vatican Council (cf. *Gaudium et spes*, no. 49), but it is also one of the reasons why the two Codes of Canon Law, Latin and Eastern, promulgated by me, declared and set forth the *bonum coniugum* as also a natural end of marriage (cf. *CIC*; c. 1055, §1; *CCEO*, c. 776, §1). A mere feeling is tied to the inconstancy of the human heart; mutual attraction alone, often stemming primarily from irrational and sometimes abnormal impulses, cannot have stability and is thus easily, if not inevitably, prone to fade away.

*Amor coniugalis*, therefore, is not only and not primarily a feeling, but is essentially a commitment to the other person, a commitment made by a precise act of will. It is this commitment which gives *amor* the quality of *coniugalis*. Once a commitment has been made and accepted through consent, love *becomes* conjugal and never loses this character. Here the fidelity of love, which is rooted in the freely assumed obligation, comes into play. In one of his meetings with the Rota my predecessor, Pope Paul VI, said succinctly: "*From a spontaneous feeling of affection, love becomes a binding obligation*" (AAS 68 [1976], p. 207).

Faced with the juridical culture of ancient Rome, Christian authors already felt compelled by the Gospel command to surmount the well-known principle that the conjugal bond lasts only as long as the *affectio maritalis*. They opposed this conception, containing in itself the seeds of divorce, with the Christian vision, which returned marriage to its original unity and indissolubility.

4. Here we sometimes encounter the misunderstanding in which marriage is identified or at least confused with the formal, outward rite that accompanies it. Certainly, the juridical form of marriage represents a civilized advance, since it confers both importance and efficacy on marriage in the eyes of society, which consequently undertakes to safeguard it. But you jurists cannot overlook the principle that marriage consists essentially, necessarily and solely in the mutual consent expressed by those to be married. This consent is nothing other than the conscious, responsible assumption of a

commitment through a juridical act by which, in reciprocal self-giving, the spouses promise total and definitive love to each other. They are free to celebrate marriage, after having chosen each other with equal freedom, but as soon as they perform this act they establish a personal state in which love becomes something that is owed, entailing effects of a juridical nature as well.

Your judicial experience lets you see first-hand how these principles are rooted in the existential reality of the human person. In short, the simulation of consent, for example, means nothing other than giving the marriage rite a merely external value, without the corresponding will for a reciprocal gift of love, of exclusive love, of indissoluble love or of fruitful love. Is it any surprise that such a marriage is doomed to failure? Once the feeling or attraction dies, it lacks any element of internal cohesion. Missing is that reciprocal commitment of self-giving which alone can guarantee its permanence.

Something similar also applies to cases in which someone has been deceived into marrying, or when grave external coercion has taken away the freedom that is the presupposition of every voluntary commitment of love.

5. In the light of these principles, we can identify and understand the essential difference between a mere de facto union—even though it claims to be based on love—and marriage, in which love is expressed as a commitment that is not only moral but rigorously juridical. The bond reciprocally assumed has a strengthening effect, in turn, on the love from which it arises, fostering its permanence to the advantage of the partners, the children and society itself.

In the light of the above-mentioned principles we can also see how incongruous is the demand to accord “marital” status to unions between persons of the same sex. It is opposed, first of all, by the objective impossibility of making the partnership fruitful through the transmission of life according to the plan inscribed by God in the very structure of the human being. Another obstacle is the absence of the conditions for that interpersonal complementarity between male and female willed by the Creator at both the physical-biological and the eminently psychological levels. It is only in the union of two sexually different persons that the individual can achieve perfection in a synthesis of unity and mutual psychophysical completion. From this perspective, love is not an end in itself and cannot be reduced to the corporal joining of two beings, but is a deep interpersonal relationship which reaches its culmination in total mutual self-giving and in cooperation with God the Creator, the ultimate source of every new human life.

6. As you know, these deviations from the natural law inscribed by God in the nature of the person seek their justification in the freedom that is a prerogative of the human being. This justification, in fact, is self-serving. Every believer knows that freedom, as Dante said, is “the greatest gift that God in his bounty made in creation, the most conformed to his goodness” (*Par.* 5:19-21), but it is a gift that must be correctly understood if it is not to become a stumbling-block for human dignity. To conceive of freedom as the moral or even juridical licence to break the law is to distort its true nature. Freedom consists in the human being’s possibility of conforming responsibly, that is by personal choice, to the divine will expressed in the law, and in this way to become more and more like his Creator (cf. *Gn* 1:26).

I have already written in the Encyclical *Veritatis splendor*: “Man is certainly free, inasmuch as he can understand and accept God’s commands. And he possesses an extremely far-reaching freedom, since he can eat ‘of every tree of the garden.’ But his freedom is not unlimited: it must halt before the ‘tree of the knowledge of good and evil’, for it is called to

accept the moral law given by God. In fact, human freedom finds its authentic and complete fulfilment precisely in the acceptance of that law. God, who alone is good, knows perfectly what is good for man, and by virtue of his very love proposes this good to man in the commandments” (no. 35; cf. AAS, 85 [1993], pp. 1161f.).

Unfortunately, the daily news amply confirms the miserable fruits that these aberrations from the divine-natural law ultimately produce. It seems as if the situation which the Apostle Paul describes in the Letter to the Romans is being repeated in our day: “*Since they did not see fit to acknowledge God, God gave them up to a base mind and to improper conduct*” (Rom 1:28).

7. This necessary reference to the problems of the present moment should not lead to discouragement or resignation. It should spur us instead to a more determined and better focused commitment. The Church and, consequently, canon law recognize that every person has the possibility of contracting marriage (cf. *CIC*, c. 1058; *CCEO*, c. 778); a possibility, however, which can only be exercised by those “*who are not prohibited by law*” (ibid.). The latter are, first of all, those who have sufficient psychological maturity of intellect and will, along with the ability to fulfil the essential obligations of the marital institution (cf. *CIC*, c. 1095; *CCEO*, c. 818). In this regard, I must once again recall what I said in my addresses precisely to this Tribunal in 1987 and 1988 (cf. AAS, 79 [1987], 1453ff.; AAS, 80 [1988], 1178ff.): an undue broadening of these personal requirements, recognized by Church law, would ultimately inflict a grievous *vulnus* on that right to marriage which is inalienable and independent of any human power.

I will not dwell here on the other conditions laid down by canon law for valid marital consent. I will merely emphasize the serious responsibility incumbent on the Pastors of God’s Church to provide engaged couples with serious and appropriate marriage preparation: only in this way can the mind of those preparing for marriage be instilled with the intellectual, moral and spiritual dispositions necessary for fulfilling the natural and sacramental reality of matrimony.

I entrust these reflections, dear prelates and officials, to your minds and hearts, knowing full well the spirit of fidelity that inspires your work, in which you intend to apply the Church’s norms in your search for the true welfare of God’s People.

In support of your efforts, I affectionately impart my apostolic blessing to all of you here and to those in any way connected with the Tribunal of the Roman Rota.