



The Holy See

**ADDRESS OF THE HOLY FATHER
POPE JOHN PAUL II
TO ITALIAN CATHOLIC JURISTS**

Saturday, 5 December 1998

Ladies and Gentlemen,

1. I am pleased to extend a cordial welcome to each of you, gathered here on the occasion of the annual study conference of the Union of Italian Catholic Jurists. In particular I greet your President, Prof. Giuseppe Dalla Torre, and thank him for the kind words that he wished to address to me on behalf of you all. My thoughts turn to all the members of your association who in the academic context, as in that of law, wish according to the directives of the Council (cf. *Apostolicam actuositatem*, n. 7) to give a Christian inspiration to the temporal order through their professional involvement in society and through research in juridical institutes for whatever best promotes the good of the individual and the community.

Today's meeting is very special, because it forms part of the celebrations for the 50th anniversary of the foundation of the Union of Italian Catholic Jurists: it arose in 1948 from the Graduates Movement of Catholic Action and was the result of a serious crisis of conscience that affected a generation of jurists faced with the ideological postulates of the ethical State, which in Italy as in all of Europe marked the totalitarian experience. They realized how refined juridical instruments, to whose formulation they had contributed, had served reprehensible political ends and had strengthened totalitarian regimes. They were also well aware of the tragic and false conclusions which could be reached by a purely positivist conception of law, including the devastation of human rights represented by the extermination camps and by the dreadful world conflict itself.

2. With the foundation of your union, those jurists wished to respond to the need to recover the authentic basis of law by removing it from arbitrary political uses based on the logic of the stronger. They saw in natural law the solid and authentic foundation of positive law and made this conviction the systematic reference point of their scholarly work.

In these 50 years, your association has promoted the development of the juridical order in

accordance with the Italian Constitution of 1948, and above all with the three fundamental directives contained in the first part: the personalist principle, the pluralist principle ordered according to the criterion of subsidiarity, and "the principle of the preexistence of the rights of the individual and of communities with respect to every grant made by the State.

In observing these directives, the members of the Union served as a critical conscience in the wider community of Italian jurists, both by recalling the values of the Constitution whenever ongoing juridical experience revealed growing divergences, and by finding in those values the solution to the new questions raised by scientific and technological progress. It was these noble motives that inspired the courageous cultural commitment of Italian Catholic jurists to opposing the divorce law in 1970, and that of abortion in 1978, as well as their valuable contribution to the issues of ecology and bioethics at a time when they were not yet an object of attention on the part of Italy's legal community.

How can we not take satisfaction in the great professional progress you have made in these five decades? How can we not thank the Lord for the passion and competence with which in a half century of history the Union of Italian Catholic Jurists has upheld the primacy of the person and the importance of the common good, as society and legal experience evolve?

The motto "*50 years for the justice of the law*", which you have chosen for this jubilee, calls to mind the constant fidelity to ethics on the part of believing jurists and expresses your renewed commitment to serve a law that is inspired by the great human and Christian values. You will thus continue to offer Italian society and juridical science a contribution that appears to be increasingly useful and appreciated.

3. Your association has always taken the affirmation of the natural law as its constant reference point and regarded it as fundamental for the authentic development of the individual and of society.

Today this reference point serves as a significant point of contact with modern legal theory, in which there is a universal consensus on the issue of human rights, which embodies the age-old requirements of natural law doctrine.

A common concern of jurists today is to put human rights into full effect in the face of their grave violations, which are reported in various parts of the world despite the solemn statements of principle. But this resolution runs the risk of obtaining modest results or of confusing authentic rights with subjective and selfish demands, if a widespread, universal consensus on their foundation is lacking. Your effort to affirm a healthy doctrine of natural law is both praiseworthy and meritorious, as it represents the sole guarantee for putting human rights on a sure and absolute basis.

4. The convention you are holding these days has for its theme: "*Solidarity between ethics and law*". In the perspective of the new millennium, you wished to identify the theme of solidarity as a logical outcome of your 50 years of reflection on the natural law.

This is a very important subject, closely connected with that of the natural law: the dimension of solidarity expresses a right that is not an arbitrary tool in the hands of the more powerful, but a sure means of justice.

My wish is that these issues, meant to guide the research of Catholic jurists, may help effectively to challenge the individualistic concepts that distort positive law by reducing it to the mere explication of individual demands without considering the requirements of justice and the duties of solidarity.

With these wishes, I entrust each one of you and your work to the maternal protection of the *Sedes Sapientiae* and I invoke constant divine assistance, while, as a pledge of heavenly favours, I sincerely impart my Apostolic Blessing to you all.

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