



The Holy See

ADDRESS OF THE HOLY FATHER JOHN PAUL II TO THE INTERNATIONAL UNION OF CATHOLIC JURISTS

Friday, 24 November 2000

Mr President,

Dear Friends,

1. I am pleased to welcome you, members of the *International Union of Catholic Jurists*, as you celebrate your Jubilee and have gathered for your plenary meeting; I thank your President, Prof. Joël-Benoît d'Onorio.

I am glad that the *International Union of Catholic Jurists* brings together Catholic jurists from around the world who are associated with very diverse political, traditional and historical realities; thus it responds to its profound vocation and reflects the universal character of law. It is not by chance that your journal is significantly titled: *Juristes du monde entier*. Its Catholic character, however, is not a sign of separation and closure, but far more a sign of openness and an expression of the service that jurists wish to offer the whole human community.

2. It must be recognized however that the danger of particularism weighs heavily on law. If, on the one hand, particularism acts legitimately to safeguard the specific genius of every people and every culture, in other respects it leads not only to divisions but also to situations of rupture and unjustified conflict, insofar as it loses sight of the essential unity of the human race. Certainly, the very approach to the study and theory of law can be legitimately differentiated, although the great scholarly tradition of Roman law, to which the Catholic Church herself has been extremely sensitive throughout her history, has left a mark which cannot fail to affect any jurist, whatever his school.

However, even before making any distinction between legal systems, schools or traditions, a principle of unity is essential. Law arises from a deep human need found in all people and cannot appear foreign or marginal to any of them: it is a question of the need for justice, the achievement of a balanced order of interpersonal and social relations, which can guarantee that each be given his due and no one be deprived of what belongs to him.

3. The ancient and as yet unequalled principle of justice "*unicuique suum*" presupposes first that every person has what is

his due and which he cannot renounce: the recognition and promotion of the good of each individual is a specific duty for every person. The order of justice is not static but dynamic, because the very life of individuals and communities is in itself dynamic. As St Bonaventure said: it is not an *ordo factus* but an *ordo factivus*, which requires the continual and impassioned exercise of wisdom, which the Latins called *iurisprudencia*, wisdom which is able to employ all the person's energies and whose exercise is one of man's most exalted practices of virtue. The possibility of giving his or her due not only to a relative, friend, citizen or fellow believer, but also to every human being simply because he is a person, simply because justice requires it, is the honour of law and of jurists. If there is an expression of the unity of the human race and of equality between all human beings, this expression is rightly given by the law, which can exclude no one from its horizon under pain of altering its specific identity.

In this perspective, the international community's efforts in recent decades to proclaim, defend and promote basic human rights are the best way that law can fulfil its profound vocation. Therefore jurists must always feel they are in the front line in the defence of human rights, for through them it is the human person's very identity that is defended.

4. Our world needs men and women who courageously and publicly oppose the countless violations of rights which unfortunately continue to demean individuals and humanity. For their part, jurists are called - and this is one of the tasks of the *International Union of Catholic Jurists* - to denounce all situations where the dignity of the person is not recognized, or situations which, although apparently acting in his defence, in fact deeply offend him. Too frequently today, the legal status of the fundamental rights to freedom of thought and freedom of worship are not recognized; in many parts of the world, even on our doorstep, the rights of women and children are unjustifiably demeaned. One increasingly notes cases in which the legislator and the magistrate lose their awareness of the specific juridical and social status of the family, and show their readiness to give equal legal status to other forms of cohabitation, creating great confusion in the area of conjugal, family and social relations, and denying in a certain way the value of the specific commitment of a man and a woman and the basic social value of this commitment. For many of our contemporaries, the right to life, a primordial and absolute right which does not depend on positive law but on the natural right and dignity of every human being, is unrecognized or undervalued, as though it were a question of a disposable and non-essential right; it is enough to think of the legal recognition of abortion, which kills a frail unborn human being in the name of the decisional autonomy of the stronger over the weaker; of the insistence with which some people today seek recognition of a supposed right to euthanasia, a right to life and death for themselves or for others. There are even cases in which the magistrate and the legislator take decisions independently of any moral value, as if positive law could serve as its own foundation and prescind from transcendent values. There are many risks inherent in a law detached from anthropological and moral foundations, because it subjects decisions to the mere whim of the individuals who enact it and ignores the notable dignity of others.

For the legal world, it is important to take a hermeneutical approach and constantly to recall the foundations of law to the minds and consciences of all, legislators, magistrates and ordinary citizens, for what is at stake is not only the good of this or that individual or community, but the common good which surpasses the sum of individual goods.

5. The field of action for jurists is therefore vast and, at the same time, filled with pitfalls. For their part, Catholic jurists do not possess a particular form of knowledge: their Catholic identity and the faith that motivates them do not provide them with specific knowledge from which non-Catholics would be excluded. What Catholic jurists and those who share the

same faith possess is the awareness that their work, passionately supporting justice, equity and the common good, belongs to the plan of God, who asks all human beings to recognize one another as brothers and sisters, as children of one merciful Father, and who gives them the mission of defending every individual, especially the weakest, and of building a society on earth that conforms to the requirements of the Gospel. The establishment of universal brotherhood certainly cannot be the result of jurists' efforts alone, but their contribution to accomplishing this task is specific and indispensable. It is part of their responsibility and their mission.

It is in this spirit of service to our brethren that you are making your Jubilee pilgrimage. May the Holy Spirit help you in your task! I entrust you to the intercession of the Virgin Mary and St Isidore of Seville, an eminent jurist, as I cordially impart to you my Apostolic Blessing, which I extend to your families and to all the members of your international union.

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