



The Holy See

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

Thursday, 30 January 2003

1. The solemn inauguration of the Judicial Year of the Tribunal of the Roman Rota offers me the chance to express again my appreciation and gratitude for your work, dear Prelate Auditors, Promoters of Justice, Defenders of the Bond, Officials and Advocates. I cordially thank the Dean, Mons. Funghini, for the sentiments expressed on your behalf and for the well-developed reflections on the nature and goals of your work.

The activity of your Tribunal has always been appreciated by my Venerable Predecessors who never failed to stress that the administration of justice by the Roman Rota constitutes a direct participation in an important aspect of their service as Pastor of the universal church.

For this reason, your decisions, accordingly have a special value for the Church, since, as I affirmed in *Pastor Bonus*, they constitute a sure and concrete point of reference for the administration of justice in the church (cf. art. 126).

2. Given the overwhelming prevalence of cases concerning the nullity of marriage before the Rota, the Dean stressed the profound crisis that currently affects marriage and the family. A relevant fact that emerges from the study of the cases is the diminishing awareness among the partners of the significance in the celebration of Christian marriage of *its sacramentality*, a dimension that today is all too often disregarded in its intimate meaning, its intrinsic supernatural value and its positive effects on conjugal life.

After having dealt in past years with the *natural dimension of marriage*, I would like today to call your attention to the special *relationship that the marriage of the baptized has with the mystery of God*, a relationship that, in the new and definitive covenant in Christ, assumes the dignity of a

sacrament.

The natural dimension and relationship with God are not two juxtaposed aspects: rather, they are intimately connected as are the truth of the human person and the truth of God. This topic is especially close to my heart: I return to it in this context, also because the perspective of the communion of the human person with God is so useful, even necessary, for the work of judges, advocates and all those who deal with the law of the Church.

3. The link between secularization and the crisis of marriage and of the family is only too clear. The crisis concerning the meaning of God and that concerning moral good and evil has succeeded in diminishing an acquaintance with the fundamentals of marriage and of the family which is rooted in marriage. For an effective recovery of the truth in this field, it is necessary to *rediscover the transcendent dimension that is intrinsic to the full truth of marriage and the family*, overcoming every dichotomy that tends to separate the profane aspects from the religious as if there were two marriages: one profane and another sacred.

"God created man in his own image; in the image of God he created him; male and female he created them" (Gn 1,27). The image of God is found in the duality of man and woman and in their interpersonal communion. For this reason, *transcendence is inherent in the existence of marriage, right from the start*, because it belongs to the natural distinction between man and woman in the order of creation. In their being "one flesh" (Gn 2,24), the man and the woman, in their mutual assistance and fruitfulness, participate in something sacred and religious, as the Encyclical *Arcanum divinae sapientiae* of my Predecessor Leo XIII emphasized, pointing to the understanding of marriage held in ancient civilizations (10 Feb. 1880, *Leonis XIII P.M. Acta*, vol. II, p. 22). In this regard, he observed that marriage "*from the very beginning was a figure (adumbratio) of the Incarnation of the Word of God*" (*ibid.*). In the state of original innocence, Adam and Eve already had the supernatural gift of grace. In this way, before the Incarnation of the Word took place historically, its effective holiness was already being bestowed on humanity.

4. Unfortunately, on account of the effects of original sin, what was natural in the relationship between man and woman risks being lived in a way that is not in conformity with the plan and will of God and *distancing oneself from God necessarily implies a proportionate dehumanizing of all family relationships*. But in the "fullness of time", Jesus himself restored the primordial design of marriage (cf. Mt 19,1-12) and so, in the state of redeemed nature, the union between man and woman not only regains its original holiness, freed from sin, but *is really inserted into the very mystery of the covenant of Christ with the Church*.

The Letter of St Paul to the Ephesians directly connects the account of Genesis with that mystery: "*For this reason a man shall leave his father and mother and be joined to his wife and the two shall become one flesh* (Gn 2,24). *This is a great mystery; and I mean in reference to Christ and the Church*" (Eph 5,31-32). The intrinsic link, between marriage, established at the beginning [of

creation], and the union of the Word Incarnate with the Church is shown in its salvific efficacy by means of the concept of *sacrament*. The Second Vatican Council expressed this truth of our faith from the point of view of the married persons themselves: "Christian spouses, in virtue of the sacrament of matrimony, signify and partake of the mystery of that unity and fruitful love which exists between Christ and His Church (cf. Eph 5,32). The spouses thereby help each other to attain to holiness in their married life and by the acceptance and education of their children. And so, in their state and way of life, they have their own special gift among the People of God" (Dogmatic Constitution *Lumen gentium*, n. 11). The close link of the natural and the supernatural orders is immediately thereafter presented by the Council with reference to the family, that is inseparable from marriage and seen as a "domestic church" (cf. *ibid.*).

5. Christian life and reflection find in this truth an inexhaustible fountain of light. In fact, the sacramentality of marriage is a fruitful way to investigate more deeply the mystery of the relationship between human nature and grace. In the fact that the marriage of old became in the NT the sign and instrument of the grace of Christ, one sees the evidence of the constitutive transcendence of all that belongs to the being of the human person and in particular to his natural relationality according to the distinction and complementarity of man and woman. *The human and the divine are interwoven in a wonderful way.*

Today's strongly secularized mentality tends to affirm the human values of the institution of the family while detaching them from religious values and proclaiming them as fully independent of God. Influenced as it is by models of life that are too often presented by the mass-media, today's mentality asks, "*Why must one spouse always be faithful to the other?*" and this question is transformed into an existential doubt in situations of crisis. Marital difficulties can take various forms, but in the end they all amount to a problem of love. For this reason, the preceding question can be reformulated in this way: why it is always necessary to love the other spouse even when so many apparently justifying reasons, would lead one to leave?

Many replies can be given; among them the very powerful ones are the good of the children and the good of the entire society, but the most fundamental reply comes through *the recognition of the objectivity of being spouses, seen as a reciprocal gift, made possible and guaranteed by God himself.* The ultimate reason, therefore, for the duty of faithful love is none other than what is the basis of the divine covenant with the human person: *God is faithful.* To make possible the fidelity of heart to one's spouse, even in the hardest cases, one must have recourse to God in the certainty of receiving assistance. The way of mutual fidelity passes, moreover, through an openness to Christ's charity, which "bears all things, believes all things, hopes all things, endures all things" (I Cor 13,7). In every marriage the mystery of redemption becomes present, brought about by a real participation in the Cross of the Saviour, accepting the Christian paradox that joins happiness with the bearing of suffering in the spirit of faith.

6. From these principles one can draw many practical consequences of a pastoral, moral and

juridical nature. I will mention a few that are connected in a special way with your judicial activity. Above all, you can never forget that you have in your hands that *great mystery* St Paul spoke of (cf. Eph 5,32), both when you deal with a sacramental marriage in the strict sense and also when the marriage bears in itself the primordial sacred character, that is called to become a sacrament through the baptism of the spouses. The consideration of the sacramentality highlights the *transcendence of your function*, the bond that links it to the economy of salvation. The religious dimension should for this reason permeate all your work. From handling scientific studies on marriage to the daily activity of the administration of justice, there is no room in the Church for a vision of marriage that is merely immanent and profane, simply because such a vision is not true theologically and juridically.

7. In this perspective, for example, it is necessary to take seriously the obligation imposed on the judge by canon 1676 to favour and to seek actively the possible convalidation and reconciliation of the marriage. Naturally the same attitude of support for marriage and the family must prevail before turning to the tribunal. In pastoral assistance consciences must be patiently enlightened with the truth concerning the transcendent duty of fidelity presented in an attractive and favourable way. Working towards a positive overcoming of marital conflicts and in providing assistance to the faithful who are in an irregular marital situation, it is necessary to create a synergy that involves everyone in the church: pastors of souls, jurists, experts in the psychological and psychiatric sciences, other laity, especially those who are married and have life experience. All must keep in mind that they are dealing with a sacred reality and with *a question that touches on the salvation of souls*.

8. The importance of the sacramentality of marriage, and the need of faith for knowing and living fully this dimension, could give rise to some *misunderstandings* either regarding the admission to the celebration of marriage or judgments about the validity of marriage. The church does not refuse to celebrate a marriage for the person who is well disposed, even if he is imperfectly prepared from the supernatural point of view, provided the person has the right intention to marry according to the natural reality of marriage. In fact, alongside natural marriage, one cannot describe another model of Christian marriage with specific supernatural requisites.

This truth should not be forgotten when determining the boundaries of the exclusion of sacramentality (cf. can. 1101 2) and "the determining error about the sacramental dignity" (cf. can. 1099) as possible grounds of nullity. In both instances it is crucial to keep in mind that an attitude on the part of those getting married that does not take into account the supernatural dimension of marriage can render it null and void only if it undermines its validity on the natural level on which the sacramental sign itself takes place. The Catholic Church has always recognized marriages between the non-baptized that become a Christian sacrament through the baptism of the spouses, nor does she have doubts about the validity of the marriage of a Catholic with a non-baptized person if it is celebrated with the necessary dispensation.

9. At the end of this gathering, my thoughts go to spouses and families to beg for them the protection of Our Lady. On this occasion I am pleased to repeat the exhortation that I made in the Apostolic Letter *The Rosary of the Virgin Mary*: "*The family that prays together stays together*. The Holy Rosary, by ancient tradition, has shown itself particularly effective as a prayer which brings the family together" (n. 41).

To all of you, dear Prelate Auditors, Officials and Advocates of the Roman Rota, I affectionately impart my Blessing.