



# The Holy See

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

*Monday, 28 January 1991*

1. Thank you very much, Monsignor Dean of the Tribunal of the Roman Rota, for the beautiful expression of greetings and good wishes with which you interpreted our common sentiments of esteem, affection, and commitment in the service of the Church.

I extend my cordial greeting to the entire college of the judges of the Rota, the officials, the members of the *Studio Rotale*, and of the group of advocates.

I see this annual meeting as a propitious occasion to express to all of you my appreciation for the delicate work you do in the service of the administration of justice in the Church, and to emphasize some points concerning an institution so important, delicate and complex as marriage. Today, I want to pause to consider with you the implications which the relationship between faith and culture has upon it.

2. Marriage is an institution based on natural law, and its characteristics are inscribed in the very being of man and woman. From the very first pages of Holy Scripture the sacred Author presents the distinction between the sexes as being willed by God: "God created humankind in his image, in the image of God he created them; male and female he created them (*Gen 1:27*). The other creation account in the book of Genesis also tells us that the Lord God said, "It is not good that the man should be alone; I will make him a helper as his partner" (*Gen 2:18*).

The narrative continues: "And the rib that the Lord God had taken from the man he made into a woman and brought her to the man. Then the man said, 'This as last is bone of my bones and flesh of my flesh' " (*Gen 2:22*). The bond which is created between a man and woman in the marriage relationship is superior to every other interpersonal bond, even the one between parent and child. The sacred Author concludes: "Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh" (*Gen 2:24*).

3. Precisely because it is a reality that is deeply rooted in human nature itself, marriage is affected by the cultural and historical conditions of every people. They have always left their mark upon the institution of marriage. The Church,

therefore, cannot prescind from the cultural milieu. I recalled this in my apostolic exhortation *Familiaris consortio*: “Since God’s plan for marriage and the family touches men and women in the concreteness of their daily existence in specific social and cultural situations, the Church ought to apply herself to understanding the situations within which marriage and the family are lived today, in order to fulfill her task of serving” (no. 4).

It is in the journey of history and the variety of cultures that God’s plan is fulfilled. If, on the one hand culture has sometimes had a negative influence on the institution of matrimony, having effects on it which are contrary to God’s plan such as polygamy and divorce, on the other hand in many cases it has been the instrument which God used to prepare the soil for a better and deeper understanding of his original intentions.

4. The Church, in her mission of presenting revealed doctrine to humankind, has continually had to confront cultures. From the very first centuries the Christian message, in encountering the Greco-Roman culture, found a soil which was favorably fertile for some aspects. Under the influence of Christian preaching, Roman law in particular lost much of its harshness, was permeated by gospel humanity (*humanitas*), and in turn offered the new religion a wonderful scientific means for drawing up its legislation on marriage. The Christian faith—by introducing into it the value of the indissolubility of the marriage bond—found in the Roman juridical reflection on consent an instrument for expressing the fundamental principle that is at the basis of canonical discipline on the subject. This principle was firmly repeated by Pope Paul VI in his meeting with you on February 9, 1976. He then affirmed, among other things, the principle that “ ‘marriage is brought into being by the consent of the parties’ (*matrimonium facit partium consensus*). This principle is of paramount importance in the whole canonical and theological teaching received from tradition and has frequently been restated by the Church’s magisterium as one of the chief bases on which both the natural law of the institution of marriage and the evangelical precept are founded” (supra p. 141). It is therefore fundamental in the canonical juridical system (cf. c. 1057, §1).

The problem of culture, however, has become particularly important today. The Church took note of it with renewed sensitivity during the *Second Vatican Council*. *Gaudium et spes* affirms: “There are many connections between the announcement of salvation and human culture. In revealing himself to his people, even to extent of showing himself fully in the incarnate Son, God has spoken in terms of culture peculiar to different ages” (no. 58). In line with the mystery of the incarnation: “The Church likewise, living in various conditions of history, has adopted the discoveries of various cultures to spread and explain the news of Christ in its preaching to all nations, to explore it and understand it more deeply, and to express it better in liturgical celebration and in the life of the varied community of the faithful” (ibid.). Every culture, however, must be evangelized; it must be compared to the gospel message and become imbued with it: “The good news of Christ continually renews the life and behavior of fallen humanity and attacks and dispels the errors and evils which flow from the ever-threatening seduction of sin” (ibid.). Cultures, as *Paul VI* said in the apostolic exhortation *Evangelii nuntiandi*: “must be regenerated through contact with the Gospel” (no. 20).

5. Among the influences which today’s culture has on matrimony, we must point out that some of them have their inspiration in the Christian faith. For example, the decline of polygamy and other conditions by which the woman was subject to the man, the affirmation of the equality of man and woman, the growing orientation toward a personalized view of marriage understood as a community of life and love—these are all values which are now part of humanity’s moral patrimony.

The recognition of the equal dignity of man and woman is further accompanied moreover by the ever-greater recognition of the right of freedom of choice of one's state of life and marriage partner.

Contemporary culture, nonetheless, also presents some aspects which cause concern. In some cases these same positive aspects which have been mentioned have lost their life-giving-attachment to their original Christian matrix, and end up by seeming to be disjointed and scarcely meaningful elements which are no longer able to be integrated into the organic context of marriage as it is properly understood and authentically lived.

In particular, in the affluent and consumeristic western world, such positive aspects tend to be distorted by an immanentistic and hedonistic vision that undermines the real meaning of marital love. It can be instructive to reread from the point of view of marriage what is said in the final report of the extraordinary Synod of Bishops about the external causes which impede the Council's implementation: "In the wealthy nations we see the constant growth of an ideology characterized by pride in technical advances and a certain immanentism that lead to the idolatry of material goods, the so-called consumerism. From this can follow a certain blindness to spiritual realities and values" (I, 4). The consequences are ominous: "This immanentism is a reduction of the integral vision of the person, a reduction which leads not to true liberation but to a new idolatry, to the slavery of ideologies, to life in constraining and often oppressive structures of this world" (II, A. 1). From such a mentality the misconception of the holiness of the institution of marriage often follows, not to speak of the rejection of the institution of marriage itself, which opens the way for the spread of free love.

Even when it is accepted, the institution is often deformed both in its essential elements and in its properties. This happens, for example, when marital love is experienced in egoistic self-centeredness, as a form of evasion, which tends to justify itself and be consumed in itself.

Likewise freedom—although it is necessary for that consent which is basic to marriage—if it is absolutized, leads to the plague of divorce. People tend to forget then that in the face of difficulties in relationships it is important not to let oneself be dominated by fear or weariness, but to be able to find in love's resources the courage to be consistent with the commitments made.

Renouncing one's own responsibilities, moreover, rather than leading to true fulfillment of the person, results in a progressive self-alienation. In fact, it tends to attribute the difficulties to psychological mechanisms, whose functioning is understood in a deterministic manner, resulting in hasty recourse to the conclusions of psychology and psychiatry to claim the nullity of the marriage.

6. As you know, in the world there are still peoples among whom the practice of polygamy has not disappeared. Indeed, even among Catholics there are people who, in the name of respect for the culture of these people, would want to somehow justify or tolerate such a practice in Christian communities. In my apostolic visits I have not failed to point out the Church's teaching on monogamous marriage and the equality of rights of man and woman.

Indeed, we cannot ignore the fact that such cultures still have a long way to go in the field of the full recognition of the equal dignity of man and woman. Marriage is still, to a large degree, the result of agreements between families which do not take into account the free will of the young people. In the celebration itself of marriage the social practices sometimes

make it difficult to determine the moment of the exchange of consent, and the creation of the marriage bond, thus giving rise to interpretations which are not consonant with the contractual and personal nature of the marriage consent.

Even in what concerns judicial practice there is no lack of negligence in regard to canon law, in justification of which appeal is made to local custom or particular aspects of the culture of a given people. In this regard, it is well to recall that negligences of this kind do not merely mean omissions in the formal legal process, but risk violating the right of justice that every believer has, with a subsequent decline in respect for the holiness of marriage.

7. The Church, therefore, although with all due attention to the culture of every people and to the progress of science, should always be attentive so that the people of today are offered the entirety of the gospel message about marriage, as it has matured in her consciousness through centuries of reflection carried out under the guidance of the Spirit. The fruit of such reflection today is found with special richness in [Vatican II](#) and the new Code of Canon Law, which is one of the most important documents implementing the Council.

Attentive to the voice of the Spirit and sensitive to the demands of modern cultures with motherly concern, the Church does not limit herself to repeating the essential elements which must be safeguarded but, making use of the means placed at her disposal by modern scientific progress, studies them to take advantage of anything valid which emerges from the thought and custom of the peoples.

In continuity with tradition and openness to the new needs, there is the new marriage legislation which is based on the three principles: marriage consent, the capacity of the persons, and the canonical form. The new Code is imbued with the Council's thought, particularly in what concerns the personalistic understanding of marriage. Its legislation touches upon elements and protects values which the Church wants to guarantee at the universal level, beyond the variety and changing nature of cultures in which the individual particular churches operate. In repositing such values and the procedures necessary for safeguarding them, the new Code, however, leaves significant room to the responsibility of the bishops' conferences or of the bishops of the individual particular churches for adaptations which are consonant with the diversity of the cultures and the variety of pastoral situations. It is a question of aspects which cannot be considered marginal or of little importance. Therefore, it is urgent to proceed to the preparation of adequate norms as requested by the new Code.

8. In her fidelity to God and the person, the Church acts like the scribe, having become a disciple of the kingdom of heaven, "brings out of his treasure what is new and what is old" (*Mt* 13:51). In faithful adherence to the Spirit who enlightens and sustains her, as the people of the new covenant, the Church "speaks in all languages, and in love understands and embraces all languages" (AG, no. 4).

As I invite all of you, workers of justice, to look at marriage in the light of God's plan, to promote it with the means which you have to fulfill it, I urge you to persevere generously in your work, convinced that you are offering an important service to families, the Church, and society itself. The pope looks on you with confidence and affection and with these sentiments imparts to you the apostolic blessing. © Copyright 1991 - Libreria Editrice Vaticana

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