

Marriages Should Be Assumed Valid, Says Pope

The following is a commentary published by Zenit on January 29, 2010 which analyzes the implications of the Pope's discourse to the members of the Roman Rota, one of the supreme tribunals of the Roman Catholic Church that deals with appeals in nullity cases.

Nullity Must Be Proven, He Tells Roman Rota

Noting the large number of people in "*irregular marriage situations*," Benedict XVI is cautioning the members of the Church's highest marriage tribunal to consider marriages valid until proven the contrary.

The Pope also warned the members of false charity when he gave his annual address to the Tribunal of the Roman Rota.

Truth "*cannot be contrary to charity*," he told the court representatives, who deal primarily with appeals in nullity cases.

There must be no yielding to a "*false charity*," the Pontiff urged, since this would not protect the true good of the spouses.

"*Some believe that pastoral charity might justify any step toward declaring null the marital bond, to meet persons who are in an irregular marital situation*," he acknowledged. However, this makes truth tend to be "*seen from an instrumental point of view, which adapts it now and then to the different needs that present themselves*."

"*The problem is posed when the very essence of marriage is more or less obscured*," he added, explaining that "the existential, personalist and relational consideration of conjugal union can never be done in defiance of indissolubility, an essential property" of Christian marriage.

Otherwise, Benedict XVI observed, "*one runs the grave risk of remaining without an objective point of reference for pronouncements on annulment, transforming every conjugal difficulty into a symptom of non-realization of a union whose essential nucleus of justice -- the indissoluble bond -- is negated in fact*."

In this connection, the Holy Father exhorted the magistrates, who handle cases of annulment, to the "*virtue of fortitude*," which "*becomes more relevant when injustice seems to be the easiest way to follow, in as much as it implies granting the desires and expectations of the parties, or also [conforming] to the conditioning of the social environment*."

In particular, he exhorted the members of the tribunal "*not only that they focus all their attention on respect for the truth of the proofs*," but also that they "*avoid with care taking on, as juridical advisers, the backing of causes that, according to their conscience, are not objectively sustainable*."

Justice, truth and charity

The Pontiff explained to the magistrates and officials of the tribunal, that the "*essential nucleus*" of their work is the "*administration of justice*." And the value of justice, he said, needs to be rediscovered, "*also within the Church*."

"*Canon law, at times, is underestimated*," the Pope contended, "*as if it were a mere technical instrument at the service of any subjective interest, though not founded on truth*."

But, Benedict XVI continued, *"this law should always be considered in its essential relation to justice, with the awareness that in the Church juridical activity has as its end the salvation of souls."*

This justice based on truth does not go against charity, the Holy Father explained, but rather: *"Charity without justice is not charity, but only a falsification, because charity itself requires that objectivity typical of justice, which must not be confused with inhuman coldness."*

"Whoever loves others with charity is above all just to them. Not only is justice not foreign to charity, not only is it not an alternative or parallel way to charity: Justice is 'inseparable from charity,' intrinsic to it."

"Without truth, charity ends up in sentimentalism. Love becomes an empty shell, to be filled arbitrarily. It is the fatal risk of love in a culture without truth. It falls prey to the emotions and contingent opinions of the individuals, an abused and distorted word, to the point of signifying the contrary."

Real people

On the other hand, Benedict XVI reflected, *"the look and measure of charity will help not to forget that one is always before persons marked by problems and sufferings."*

He argued that *"it is important to work actively every time that one perceives a hope of success, to encourage the spouses to eventually confirm the marriage and re-establish conjugal coexistence."*

"It is necessary to avoid the pseudo-pastoral requirements that situate questions on a merely horizontal plane, in which what matters is to satisfy the subjective claims to lead at all cost to the declaration of annulment, in order to be able to surmount, among other things, the obstacles to the reception of the sacraments of penance and the Eucharist," the Pontiff continued. On the contrary, *"the lofty good of readmission to Eucharistic communion after sacramental reconciliation, calls instead to consider the genuine good of the persons, inseparable from the truth of their canonical situation."*

"It would be a fictitious good, and a serious lack of justice and love, to smooth the way to the reception of the sacraments, with the danger of making them live in objective contrast to the truth of their own personal condition."