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## Paul VI to American Jurists

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# PAUL VI TO AMERICAN JURISTS†

It is truly a special pleasure for us today to receive the members of the American Justinian Society of Jurists who are participating in their Roman Seminar. Your worthy Association, composed in great part of Italo-American Judges, has wished to hold its study meetings in Rome; they are aimed at the promotion of better administration of justice and at the intellectual and moral formation of its members. This is indeed the purpose of the organization itself.

You count among your ranks 450 judges and jurists who preside over the administration of justice in your land. This is a number worthy of consideration just as the united action that you intend to perform is likewise impressive. You may be assured of a word of approbation and encouragement on our part, since the goal that you have set yourselves to accomplish, for the good of humanity in the triumph of justice, is indeed high and noble and corresponds to the desires of this Apostolic See.

For your Association you have chosen the name *Justinian*. This is an entire program in itself. It was Justinian who promoted the codification of Roman Law. Successive generations have profited by the juridical monument which he left to posterity and have found inspiration in the norms and statutes fixed by the great jurists to whom he entrusted the work that subsequently entered into history under his name. You know that the Justinian legislation rests on the idea which has been passed down the centuries: the concept of natural law. This was defined by Gaius as that law which is dictated by natural reason itself and is thus universal in its normative content and differs from positive law which is particular and supplementary. Natural law may also be called *rational*, if this term is preferred.

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† On Saturday, July 11, 1970, Pope Paul VI gave this address to the members of the American Justinian Society of Jurists, who were attending a reunion and seminar in Rome, at an audience in the Consistory Room of the Vatican. The president of the Society is the Honorable Paul P. Rao, Chief Judge of the United States Customs Court.

Choosing Justinian as your inspiration you have expressed your faith in the existence of what our Predecessor Pope Pius XII called a natural order of justice, the source of imperative norms for life in society and the necessary presupposition for every positive legislation. This latter must be in accordance with the natural order of justice and in it find inspiration.

This choice is in harmony with the juridical tradition of your country: it is an indisputable principle of your nation that man is endowed with natural and inalienable rights which the State must recognize and efficaciously guard, just as the defense of liberty is a rule of life—about this there is no doubt in your minds—for in that defense are summed up all the basic rights of man since without liberty none of them can be exercised. But these principles of social life would not make sense if there did not exist the natural order of justice upon which they are founded and from which they receive their binding force. If the State is bound to recognize some fundamental rights, they are not dependent on its sovereign will. These rights emerge not from the positive order it creates, but from the deeper stratum of law which conforms to human rationality.

You have come to Rome for your Congress and it is in Rome that you will find the historical origin of that glorious and undying concept of law. The Justinian collection has not done anything else but bring together into a system the laws, the principles and the interpretations of existing law by the great jurists. This city has been justly defined as the *mother of law*. She has had many other glories in her history but imperishable is this one: to have given

to the peoples of her empire a collection of laws into which she has incorporated the precepts of justice, moderating in turn their rigor with the principle of equity. This is a patrimony which has not been lost in time; rather it has become a leaven in the civilization of western peoples whose juridical systems have still today a common basis because they have been fashioned after the institutes of Roman Law.

But Rome became also the dynamic center of Christianity. It is the city where Peter set up his See and from which the new message announced by Christ spread to the whole world. Here there took place the symbiosis between Roman Law and that new vision of life founded on justice, in the sense both of interior and personal sanctification and of the virtue which prescribes to give to each what is his. This latter received a transcendent basis as an order established by the Supreme Maker and written in the heart of man—to use the expression of Saint Paul.

The order of justice which you are called upon to apply keeping its positive completions in mind and looking upon it from the vantage point of its first origin, presents itself to you as a law which is both divine and human. Cicero frequently called it this without, however, touching upon the inmost reason for this appellation. It was only with the coming of Christianity that this obtained its full significance.

From that you can conclude how noble and lofty is your mission and how delicate it is to administer justice with that combination of rigor and understanding for the human person, with which one manages to avoid turning justice into *summa iniuria*.

If you reflect that while exercising one of the powers of the State, you are also representatives of the Supreme Legislator, then you will easily link up with law that balancing spirit of equity and, above all, of love for every human person. Thus you will more easily be able to follow the moral dic-

tates of your conscience as you exercise that mandate of yours which is so necessary for peace and social tranquillity.

We hope that these principles will be present always to you and that they will be a guide to the activities of your Association.