



Promotion of the Catholic family in crisis situations. Analysis taking into account the canonical order

Promocja rodziny katolickiej w sytuacjach kryzysowych.

Analiza z uwzględnieniem porządku kanonicznego¹

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Abstract: The concept of a Catholic family can be explained by its membership in the Church, as well as by its relationship with the sacraments (with God's grace), etc. Its vocation is the community of life of a woman and a man (*communio personarum*), formed by a sacramental marriage and having children. Such a community enjoys normative (canonical) care and promotion in the legal order of the Catholic Church. This is particularly important when the Magisterium of the Church comes into contact with gender ideology, or secular culture in general (and this is the *status quo* of the issue). The author of the analysis indicated the most important elements that (in his opinion) are of particular importance for this confrontation. He analyzed in particular those aspects which in the doctrine of the Church are called crisis ones. The aim was to show in what direction the canonical defense of faith, morality, spiritual good, etc. goes (or should go, from the point of view of Catholic ethics). It was about situations where a party practicing the Catholic faith wants to enter into marriage with an unbaptized person or with a notorious apostate faith, i.e. a formal apostate, etc. Here, the Church, apart from the traditional guarantee of faith, demands something more, being (due to the emerging threats of losing faith by a practicing nupturient) reluctant to mixed relationships and similar.

Keywords: Church, crisis, doctrine, family, promotion

Abstrakt: Pojęcie rodziny katolickiej można wyjaśniać poprzez jej przynależność do Kościoła, jak i poprzez jej związek z sakramentami (z łaską Bożą) itp. Jej powołaniem jest wspólnota życia kobiety i mężczyzny (*communio personarum*), utworzona przez zawarte sakramentalne małżeństwo i posiadanie potomstwa. Taka wspólnota cieszy się w porządku prawnym Kościoła katolickiego normatywną (kanoniczną) opieką, jak i promocją. Ma to szczególnie znaczenie w sytuacji zetknięcia się Magisterium Kościoła z ideologią *gender*, czy w ogóle z kulturą świecką (i jest to *status quo* zagadnienia). Autor analizy wskazał na ważniejsze elementy, które mają (jego zdaniem) szczególne znaczenie dla tej konfrontacji. Przeanalizował w szczególności te aspekty, które w doktrynie Kościoła nazywane są kryzysowymi. Celem było wykazanie, w jakim kierunku idzie (lub powinna pójść z punktu widzenia katolickiej etyki) kanoniczna obrona wiary, moralności, dobra duchowego itp. Chodziło o takie sytuacje, kiedy stroną praktykującą wiarę katolicką chce zawrzeć małżeński związek z osobą nieochrzczoną lub z notorycznym odstępcą od wiary, tj. formalnym apostatą itp. Tu Kościół oprócz tradycyjnej rękojmi wiary żąda czegoś więcej, będąc (ze względu na pojawiające się zagrożenia utraty wiary przez praktykującego nupturienta) niechętnym do związków mieszanym i im podobnym.

Słowa kluczowe: doktryna, Kościół, kryzys, promocja, rodzina

Introduction

The issue of family dignity is a subject of interest to many: ethicists, canonists, theologians, educators, sociologists, politicians, pastoralists, etc. (Szymczak, 2002, 151-165), and even more when it comes to the Catholic family and the reading of its Christian vocation in crisis situations. Even if “the institution of the Catholic family is under the protection of the Church and its laws” (Ziółkowska,

2018, p. 20; Sokołowski, 2013, p. 291-313), “a number of dilemmas have emerged with regard to both the delineation of family boundaries and the accompanying membership, as well as expectations, related to the way family roles are performed” (Żurek, 2015, p. 57). Social changes cause “commonly known terms to begin to function in new meanings” (Dybowska, 2018, p. 10).

¹ Artykuł w języku polskim: <https://www.stowarzyszeniefidesetratio.pl/fer/2023-1Bial.pdf>

For many people, especially in an era of intense promotion of gender ideology, “the definition of marriage and family is (no longer) an unambiguous concept” (Pryba, 2014, p. 38). It might seem that “at least in the normative field, defining such a common term as «family» should not pose any difficulties. As a matter of fact, the legal reality is different. Indeed, there are considerable discrepancies in the way this concept is understood and defined. Depending on the adopted criteria and axiological premises, it is described in multiple ways” (Zubert, 2011, p. 404).

Therefore, it seems that it is possible, in the context outlined above, to ask a question about those aspects of the Catholic family in crisis situations, which, in the legal and moral dimensions of the doctrine of the Catholic Church, are of primary importance for its defense and promotion. It is timely, important – socially and doctrinally; i.e., dictated by the search for current and most appropriate solutions for the good of the faith community, etc. Thus, in an attempt to outline at least some of the situations that may negatively (to a greater or lesser extent) affect the condition of modern family, as well as the matter of defining (promoting and defending) it, the following can be taken into account:

- a. mixed marriages (in particular, the relationship of a believing Catholic with an unbaptized person or an apostate, etc.);
- b. non-sacramental relationships² – partnerships;
- c. the so-called free relationships, i.e. concubinage, refusal of marriage as such, etc. – Catechism of the Catholic Church 2390 (hereinafter: CCC);
- d. the question of the right to Holy Communion in the situation of being in a non-sacramental relationship.

1. Mixed marriages (guarantee of faith)

In the context of normative, which is in force in the legal order of the Catholic Church, it is possible to find not only restrictive elements (exclusionary, prohibitive, prescriptive, etc.), but also those that are the so-called positive promotion of the Catholic family, i.e. greatness and dignity of its supernatural vocation. Finding the staggered accents in this particular (important and sensitive) field is the guiding concept of research addressed here.

The Catholic Church is skeptical when it comes to mixed marriages. The Polish Episcopal Conference (hereinafter: KEP) reminds that “young people should be dissuaded from such marriages” (1989, p. 73). In the strict sense, they are two baptized persons of different religious affiliation – Canon 1086 § 1 Code of Canon Law of the 1983 (hereinafter: CIC/83). In a broader sense – a marriage between a Catholic party and a non-baptized party (as well as with an atheist, apostate, person notoriously persistent in church censures, etc.). – Canons 1124-1129 CIC/83. Such a relationship is forbidden without the express permission of the Ordinary of the place – Canons 1124-1125 CIC/83. The basis of the prohibition is the potential difficulty that (due to religious difference) may arise in important spheres of the spouses’ lives (Dullak, 2020, p. 99).

The main principle here is that any action of a pastoral nature, “although free from polemics and depreciation of specific religious beliefs, must have nothing to do with blurring or concealing doctrinal and disciplinary differences of Christian churches or other religious relationships” (Krajczyński, 2019, p. 141). Similar arguments are found in the November 8, 2019 Decree, which warns that: “the drama of division of Christians takes place in their own family” (KEP, 2019, No. 70). And if the Code of Canon Law does not explicitly address the dangers of loss of faith in mixed marriages – Canon 1125 CIC/83, nevertheless “in order to guard the life of faith and pass it on to offspring, the legislator requires

2 Term: non-sacramental relationships following *Familiaris consortio* no. 79-84 refers here to such situations as: marriages on trial, actual free relationships, Catholics united only by civil marriage, those living in separation and divorced who have not entered into a new relationship, divorced who have entered into a new civil relationship or are living without any legal regulation.

a dispensation from the obstacle of different religions or *nihil obstat* to assist in the conclusion of a mixed marriage”³ (Dullak, 2020, p. 93).

Therefore, when it comes to the promotion of Catholic marriage and family, i.e., in the situation of mixed marriages (and the like), the most important issue is an adequate (understood by the parties) giving a guarantee of faith. It is intended to help guide how the faith of the practicing party should be protected, as well as the matter of raising offspring in the Catholic faith. It consists in the fact that the Catholic party should declare that it is ready to push away the danger of losing the faith, as well as make a sincere pledge that it will do everything in its power to ensure that all children are baptized and brought up in the Catholic Church. The other party should be notified in a timely manner of the Catholic party’s pledges, so that they are indeed aware of the content of their pledge and the Catholic party’s obligation. Both parties should be instructed about the purposes and essential qualities of marriage, which neither party may exclude – Canon 1125-1126 CIC/83 (Kongregacja Doktryny Wiary, 1966).

2. Non-sacramental marriage to an unbaptized person or sacramental marriage to an apostate, etc. (rules as for mixed marriages)

In view of Canon 1055 CIC/83 (cf. Canons 1056; 1065 § 2; 1099; 1134), there is a claim that “only the marriage of two baptized persons is a sacrament. Whereas the marriage of unbaptized persons and of a baptized person with an unbaptized person is not a sacrament. (Thus) a non-sacramental marriage is not the same as an invalid marriage” (Szychmiller,

2016, p. 90). The term “mixed marriage – in the strict sense”, does not include the marriage of a Catholic to an unbaptized person – Canon 1086 CIC/83, and yet the rules of mixed marriage – Canon 1129 CIC/83 apply (Gajda, 2000, p. 106). This raises the question of the moral-spiritual condition of a family built on a valid but non-sacramental marriage relationship.

This question can be formulated in the spirit of Canons 1108; 1127 § 1 and 2; 1129 of the CIC/83, as well as on the basis of analysis: *Niespójność katolickiej doktryny o sakramencie małżeństwa* (The inconsistency of Catholic doctrine on the sacrament of marriage) (Strzelczyk, 2016, p. 106-119). Its author notes that “if the marriage of a baptized person to an unbaptized person is not (unilaterally) a sacrament, then the Church allows de facto situations in which a baptized person lives decently (!) in a natural marriage (non-sacramental relationship)” (ibidem, 112). Thus, the question at issue, which with reference to Canon 1752 CIC/83: *salus animarum suprema lex* and the *Instruction* (KEP, 1989 No. 72) can be constructed as follows. Can Canon 1055 § 1 CIC/83 be interpreted in such a way that the expression: “has been among the baptized raised by Christ the Lord to the dignity of a sacrament”, should be understood as “for the baptized has been raised” and preferably: “for the baptized and believers”. As a consequence of this interpretation, the Catholic party (entering into a relationship of marriage with a non-baptized person), would be bound by the sacrament, as well as endowed with its grace⁴.

It is worth mentioning here Prof. Zubert’s position in the *Review* (2011, p. 403), in which he addressed the problem that Canon 1055 § 2 of the CIC/83 automatically recognizes the sacramentality of marriage when referring to the Protestant faith⁵. Moreover, a similar problem arises when a party who has abandoned the Catholic faith (notoriously⁶)

3 The opposite will of marriage candidates as to unity, indissolubility, etc. (its essential qualities and purposes) would result in its nullity (Polish Episcopal Conference, 2019, 77).

4 In the subject literature, it can be easily found that: “between a man and a woman, when one of the parties is of Catholic faith, only such a marriage can be validly concluded, which, after fulfilling the relevant conditions, will be a sacramental marriage” (Fryśka, 2010, p. 86).

5 Ibid: “I am among those few canonists who find it difficult to accept this legal disposition. It blights a certain sacramental automatism, as it recognizes the sacramentality of any valid marriage between the baptized. Protestants are puzzled by the fact that their marriage is a sacrament”.

6 Here, the Polish Episcopal Conference’s instruction lists several groups of people, including the formal apostate, a person notoriously in church punishment, ostentatiously not practicing, etc.

enters into a relationship with a baptized and believing person. The same rules apply here as for mixed marriages (Gręzlikowski, 2009, p. 137). Therefore, a deviant from the faith (formal apostate, etc.), as a baptized person concludes it sacramentally, but unworthily – Canon 1055 § 2 CIC/83 (Salij, 2016, p. 117). Admittedly, the Church here has an *implicit* presumption of faith (valid for the validity of concluded relationship), but matters are worse with wickedness. It arises through the fault of deviator. However, this happens within the existing legal order. Such a situation leaves a clear *obligo* of action to revive faith in the deviator and to remove the bitter effects of wickedness. Such a possibility is evidenced by “not infrequent cases of what is commonly regarded as a recovery of faith” (ibidem, p. 114).

It seems that the ideal of the Catholic family, included in the canons and presented to one who faces the Catholic Church as a nupturient and apostate, can be a good means of pastoral influence here. As a rule, it is believed that in such a relationship the risk of losing the faith of a believer is greater than in mixed relationships, understood in the strict sense of the word. For this reason, according to the Polish Episcopal Conference, Canons 1071 § 1 no. 4 and 5; 1124-1125 CIC/83, etc. Nor is the guarantee of faith of a Catholic believing and practicing party sufficient. A party who has “notoriously abandoned the Catholic faith” should also pledge such a guarantee of faith in a similar manner (KEP, 2019, 70-74; Sobczak, 2002). Thus, i.e., on the same principle (out of concern for the good of the Catholic family’s faith), dispensation from the canonical form of such a relationship is also discouraged. After all, the participation, as well as the experience of the Catholic liturgy, common celebration, mutual kindness, mutual love, etc., which are shared by the parties to such an event, are a good opportunity for in-depth reflection, which will help to rediscover from the nupturients the greatness and holiness of God and the necessity of his saving grace.

3. Partnership non-sacramental relationships (declaration of unfitness for marriage, but also respect for human dignity)

In the context of partnerships, the legal doctrine of the Catholic Church recognizes such behaviors and human attitudes⁷ as an obstacle to valid sacramental marriage. The following are among the main ones: lack of discernment of essential marital rights and duties as well as mental incapacity to undertake essential marital duties – Canon 1095 CIC/83 (Góralski, 2020). There is the obstacle of incapacity to perform sexual intercourse – Canon 1084 § 1 CIC/1983 (Frąszczak, 2021, p. 167-180). There is also mentioned an ignorance that “marriage is a permanent union between a man and a woman, aimed at procreation of offspring through some kind of sexual intercourse” – Canon 1096 § 1 CIC/83. In addition, there is a simulation of marital consent (Wąsik, 2013, 215-153), etc. An exemplification of the problem can be found in the ruling of the Roman Rota of March 15, 1983. According to it, “homosexuality constitutes a ground for nullity of marriage by reason of incapacity to undertake the essential duties of marriage”: *causa naturae psychicae* – Canon 1095 No. 3 CIC/83. Moreover, there is a non-existence of the subject of marital consent – Canons 1057 and 1096 CIC/83 (Gołębiewska, 2012, p. 43-45).

Another relationship that the Church’s doctrine considers to be in serious crisis is that between or with a transsexual, transgendered person, etc. the Church denies a person who has “changed sex” the possibility of entering into a relationship of marriage as one who could not change his biological, chromosomal structure (Stawniak, 2019, p. 85-113). A surgical “correction” of gender is external and does not change the (genetic) nature of a person (Congregazione per la Dottrina della Fede, 2003, 35-36). Such a person is incapable of performing a sexual act as defined – according to Canon 1061 § 1 CIC/83. This refers to a humanly undertaken conjugal act by itself capable of conceiving offspring (Brzeziński, 2014, p. 99).

7 Partnerships are understood here as a legally legalized relationship between people of one sex ekai.co.uk (August 25, 2019). However, there are other approaches as well.

The source of negative evaluation of such a relationship here is that homosexual acts, according to the Magisterium of the Church, are contrary to natural law; they exclude from the sexual act the gift of life. They do not result from true emotional and sexual complementarity – 2357 CCC. Thus, persons “experiencing such inclinations «are called to a life of chastity», i.e. to abstain from homosexual acts and remain celibate” (KEP, 2020, No. 41; CCC 2359).

This does not mean that homosexuals or transsexuals, etc., are not treated (in Church doctrine) with the dignity due them, as well as not subjected to special pastoral care so that they do not feel excluded from the community of faith. The Church simply emphasizes in its doctrine that no inclination absolutely determines people’s moral choices. Therefore, “persons with homosexual inclinations are encouraged to take up the path of doing God’s will in the community of faith in friendship with Christ” (Olczyk, 2021, p. 369). This is also the promotion of the Catholic family.

4. Non-sacramental relationships: “free relationships” – cohabitation (obstacle of public decency)

According to the Catholic Church, a “free relationship” can be referred to when “a man and a woman refuse to give legal and public form to (their) relationship involving sexual intimacy” (CCC 2390). As a rule, this is expressed through:

- a. cohabitation;
- b. refusal of marriage as such;
- c. inability to make permanent and definitive commitments between persons of different genders (Świerczek, 2013).

And even though the CIC/83 does not expressly expound on what is to be understood by the term concubinage, canonistics here allows us to state that “under this term is meant the permanent living together of a man and a woman on the model of marriage (*more uxorio*), but without entering into a marriage valid in the light of *iuris canonici*. It is

irrelevant whether the cohabitants in such relationships are unmarried, or whether one of them (or both) are bound by marriage ties to other persons” (Szczygielski, 2014, p. 156).

The legal significance, on the other hand, is that even if “free relationships” are not subject to legal-civil registration, by uniting two people (a man and a woman), they form deep spiritual, physical (family), economic, etc. relationships. The Church describes such situations as crises, calling on members of such relationships to enter a canonically regulated and sacramental path (Yasteremysky, 2018, p. 123-132). Here the norm to be emphasized is that, according to Canon 1093 CIC/1983, an obstacle of public decency arises from notorious or public cohabitation. It causes “the nullity of marriage in the first degree of the direct line between a man and a woman’s relatives, and vice versa (ibidem, p. 154).

It should also be added that it also applies to a civil relationship, as well as an invalid marriage (in which sexual intercourse has occurred).

5. Non-sacramental relationships (exclusion from communion with Christ, as well as giving the person a chance to return)

Living in a non-sacramental relationship entails responsibility for sin, i.e., for the act of exclusion from communion with Christ, which the relationship between a man and a woman raised to the rank of a sacrament – Canon 1055 CIC/83. For the purposes of adequate exemplification, i.e. situations of moral and legal crisis, it is possible to point out (at least most importantly) the effects created in this field by a civil marriage entered into, i.e. one that has been legalized only by state law (Gajda, 2000, p. 44-48).

A common reason for the decision to live this way is that people form them for ideological reasons or after the breakdown of a sacramental marriage. They want to regulate in civil (state) law, such a way of being with each other and have some benefits from it. The Church also calls such people to conversion, explaining (also in normative, canonical, exclusionary, etc. ways) that it consists (above all) in entering the path of sacramental life. This means that those in such a (civil) relationship who

need to be together (e.g., for the sake of their children) should live in sexual purity. This is equivalent to their undertaking an effective practice of sexual abstinence. It consists of abstaining from acts that are permitted only to spouses united and sanctified by the sacrament of marriage, i.e., enabling the nupturients to perform many duties contracted here, such as having and raising offspring in the Catholic faith (John Paul II, 1981, 84; Janczewski, 2016, p. 45-47).

This is a demanding path, but it should not be understood only from the restrictions, but as one that leads to a renewal of the law, so as to be able to receive Holy Communion. Even the doctrine of the exhortation *Amoris laetitia* does not change Canon 915 CIC/83. The point is that the Pope (Francis, 2016, 300) “does not mandate that Holy Communion be given to divorced persons living in new relationships, but allows it in certain cases, provided that in the process of personal discernment of the individual situation of the person, a moral conviction is obtained that he or she is not in a state of grave guilt” (Majer, 2019, p. 95). This again means that all this should happen under the care (i.e., control) of a competent pastor who is well acquainted with this particular situation. The Church, embracing such persons with pastoral care, brings them spiritual and moral help so that they do not lose their hope and faith in the possibility of conversion and eternal salvation; i.e., in the possibility of a final and effective repair of the crisis situation in which they find themselves, i.e., when they live for some reason known only to themselves in a relationship: non-sacramental, free, partnership, civil, etc., and when they live in a relationship with another person.

Conclusion

The phenomenon of the Catholic family is complex, as well as relatively difficult to describe. Some, referring to the crisis that the modern family faces, point to the ambiguity of this concept. However, in the teachings of the Catholic Church, such “certainties” are present, which allow to analyze its structure and God’s vocation. They can be considered its protection and promotion. The point is that the Magisterium of the Church explains the concept of the Catholic family (above all)

through its close relationship with the sacrament of marriage (having in mind the supernatural vocation of the human person); appreciating its procreative function (multiplication of God’s people), as well as educational (i.e., religious) and unifying (i.e., making happy – when it comes to building and multiplying the good of these spouses and their entire family).

The concept of Catholic family, through its reference to the canons of sacramental discipline, is also relevant for describing those interpersonal relationships that (precisely in this light) appear “disordered.” If a relationship is formed by persons baptized in the Catholic Church, but living without the sacrament of marriage, having children with each other, they are de facto a family, but “in an irregular situation” (Francis, 2016, 79). The Church encourages them to enter the path of conversion, i.e. sacramental (Janczewski, 2016, p. 48-55). “It wishes to carry its teaching and offer help to those who, knowing the values of marriage and family, seek to remain faithful to them” (John Paul II, 1981, 1). The situation is actually quite difficult when people do not recognize the Church’s Magisterium, entering into various non-sacramental relationships (Tykfer, 2018). Some of them are the result of a lack of Catholic (saving) faith, but also personal immaturity, gender identity disorders, etc. It is on this account that the canonical doctrine of the Catholic Church considers a whole complex of various restrictions, orders, prohibitions, etc., which have the character of concrete, real help (Sowiński, 2019, p. 149-184).

The presented analysis includes only some doctrinal (canonical) elements that point to the special dignity and vocation of the Catholic family. They are particularly important, as well as characteristic, for the present times. In the confrontation between the teachings of Catholic Church and secular culture, they become (so to speak) a defense, as well as a clear promotion of the family ideals. Therefore, the concluding thesis of this analysis is that the canon law collected in the CIC/83 works for the good of the Catholic family even when it excludes someone from the particular rights of the community. However, its moral significance (most beautifully and clearly) is presented when it gives the faithful concrete ways out – even of the most difficult (marriage and family) situations. Thus, this is what happens in many of the cases indicated above.

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