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The *Fides*—*Sacramentum Matrimonii* Relationship in the Post-Synodal Era (2015—) A New Concept of Response to Doctrinal Impulses

Abstract: In 2020 the International Theological Commission published an important document: *The Reciprocity Between Faith and Sacraments in the Sacramental Economy*. The document is a presentation of six years of expert work on exploring the relationship between faith and the sacraments. The original theological justification, offered here, of the specific role of faith in the validity and fruitfulness of each sacrament culminates, in some ways, in a focus on an ecclesiastically sensitive “area” (*Ecclesia domestica*) — which is already foreshadowed by the initial declarations under the “emphatic” subtitle: *Faith and the Sacraments: A Reciprocity in Crisis*. What is addressed here is a serious scholarly proposal for further reintegration of the doctrine of *de sacramento matrimonii*, with a nodal understanding of the issue of the sacramental dignity of marriage — a study strongly awaited since it is set in the context of the two memorable assemblies of the Synod of Bishops, of 2014 and 2015.

Adopting the hypothesis of justifiability of the title demarcation line (2015—), marking the “post-synodal era,” bestowed upon the author of this study — consequently — a need to comprehensively examine how the International Theological Commission implemented *in concreto* the synodal appeals of bishops in 2014 — the first appeal (from *Instrumentum laboris* of the Third Extraordinary General Assembly of the Synod of Bishops): “there is a need to deepen the question of the relationship between faith and the Sacrament of Matrimony”; and a later appeal (from *Relatio Synodi* of the Third Extraordinary General Assembly of the Synod of Bishops): “it is necessary to consider the possibility of giving importance to the faith of the nupturients in ascertaining the validity of the Sacrament of Marriage, all the while maintaining that the marriage of two baptized Christians is always a sacrament.” In the concluding remarks the author answers the question that preoccupies the canonist: Can it be assumed that the result of the Commission’s six-year long work is — important for the canonical doctrine and, above all,

helpful for the consistent jurisprudence — a clarification of the *questio dubia*: “baptized non-believers” and the sacrament of marriage?

Keywords: Synod of Bishops, International Theological Commission, Pope Benedict XVI, relationship between faith and sacraments, sacrament of marriage, sacramentality of marriages of “baptized non-believers”, jurisprudence

1. Post-synodal *de sacramento matrimonii* debate on “new tracks” — voice of the International Theological Commission (2020)

In 2020 the International Theological Commission — in its ninth quinquennium, unusually extended by a year due to the celebration of its 50th anniversary — published an important document: “The Reciprocity Between Faith and Sacraments in the Sacramental Economy.”¹ Two circumstances reflect the importance of this event. The first one — of a general, formal, and legal nature. As we read in the Apostolic Letter *Tredecim anni*, with which John Paul II definitively approved the Commission’s statutes: “It is the duty of the International Theological Commission to study doctrinal problems of great importance, especially those which present new points of view, and in this way to offer its help to the Magisterium of the Church, particularly to the Sacred Congregation for the Doctrine of the Faith to which it is attached.”² The second, specific circumstance relates to the very subject of the Commission’s research. The aforementioned document is a presentation of six years of expert work on exploring the relationship between faith and the sacraments. The original theological justification offered here of the specific role of faith in the validity and fruitfulness of each sacrament culminates, in some ways, in a focus on an ecclesiastically sensitive “area” (*Ecclesia domestica*) — which is already foreshadowed by the initial declarations under the “emphatic” subtitle:

¹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments in the Sacramental Economy* (2020), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20200303_reciprocita-fede-sacramenti_en.html [accessed 30.01.2023].

² JOHN PAUL II: *Apostolic Letter in the Form of Motu Proprio “Tredecim anni”* [6.08.1982], n. 1, https://www.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_06081982_tredecim-anni.html [accessed 30.01.2023]. See also FRANCIS: *Apostolic Constitution on the Roman Curia and its Service to the Church in the World “Praedicate Evangelium”* (March 19, 2022), n. 77, https://www.vatican.va/content/francesco/en/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html [accessed 30.01.2023].

*Faith and the Sacraments: A Reciprocity in Crisis.*³ What is addressed here is a serious scholarly proposal for further reintegration of the doctrine of *de sacramento matrimonii*,⁴ with a nodal understanding of the issue of the sacramental dignity of marriage — a study strongly awaited since it is set in the context of the two memorable assemblies of the Synod of Bishops of 2014⁵ and 2015.⁶ Hence *nota bene* the title demarcation line,⁷ marking the “post-synodal era.”

As the Commission’s secretary Thomas Bonino reports,⁸ a significant part of the text is devoted to a pressing theological problem that has substantial pastoral implications today. It concerns the question of the sacramentality of marriage of persons defined by the term “baptized non-believers.”⁹ In fact, the authors of the text — citing the introduction of the term into the discourse¹⁰ by the International Theological Commission in a previous 1977 document entitled *Propositions on the Doctrine*

³ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 12.

⁴ Here the reference point invariably remains the source texts: VATICAN COUNCIL II: *Dogmatic Constitution on the Church “Lumen gentium”* [21.11.1964], n. 11; VATICAN COUNCIL II: *Pastoral Constitution on the Church “Gaudium et spes”* (December 7, 1965), n. 48. See A. PASTWA: *Istotne elementy małżeństwa. W nurcie odnowy personalistycznej*. Katowice 2007.

⁵ SYNOD OF BISHOPS. III EXTRAORDINARY GENERAL ASSEMBLY: *Relatio Synodi: The Pastoral Challenges of the Family in the Context of Evangelization* [18.10.2014], https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20141018_relatio-synodi-familia_en.html [accessed 30.01.2023].

⁶ SYNOD OF BISHOPS. XIV ORDINARY GENERAL ASSEMBLY: *The Final Report: The Vocation and Mission of the Family in the Church and in the Contemporary World* [24.10.2015], https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20151026_relazione-finale-xiv-assemblea_en.html [accessed 30.01.2023].

⁷ “Nella prima Sessione Plenaria della CTI, iniziato il suo nono quinquennio, nel dicembre 2014, è stato approvato per votazione che allo studio vi fosse anche il tema relativo al rapporto »Fede e sacramenti.«.” “Matrimonio in assenza di fede, documento della Commissione Teologica (Intervista con il teologo gesuita Gabino Uribarri Bilbao).” *Vatican News*, pubbl. 3.03.2020, <https://www.vaticannews.va/it/vaticano/news/2020-03/gabino-uribarri-bilbao-intervista-matrimonio-fede-sacramenti.html> [accessed 30.01.2023].

⁸ S.-TH. BONINO: “Un parere della Commissione Teologica Internazionale: il matrimonio tra battezzati non credenti.” *L’Osservatore Romano*, ed. quotidiana, Anno CLX, no. 51, 2—3/03/2020, p. 7.

⁹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 143—182. This distinctive name (“baptized non-believers”) appears as many as 22 times in the document.

¹⁰ “As early as 1977, the International Theological Commission, referring to the sacrament of marriage, warned of the existence of ‘baptized non-believers’ who request the sacrament of marriage. This fact, they said, raises profound ‘new questions.’” *Ibidem*, n. 3.

of *Christian Marriage*¹¹ — spell out this leading thread of research in the following way: “We go a step further (Chapter 4) to address the inter-relationship between faith and sacraments in the case of marriage. We dwell on a question that the reciprocity of faith and sacraments, by its very nature, could not leave aside: the elucidation of whether the marriage union between ‘baptized non-believers’ is to be considered a sacrament. This is a unique case, in which the articulation of the reciprocity between faith and sacraments in the [sacramental — A.P.] economy is truly put to the test.”¹² Here the Commission refers to the criteria formulated in Chapter Two, “The Dialogical Character of the Sacramental Economy of Salvation,”¹³ which, according to the declaration of Professor Gabino Uríbarri Bilbao of the Comillas Pontifical University in Madrid, is “the true heart of the document.”¹⁴

It is worth mentioning that the comments of the aforementioned expert (both in a commentary published by *L’Osservatore Romano*,¹⁵ as well as in an interview with the Vatican News portal¹⁶) — by the very virtue of his chairmanship of the subcommittee appointed to direct the study and prepare the document — are of particular value. How significantly they can contribute to reliable/complete information on the process of the Commission’s theologians’ investigation into the final findings is evidenced by the following premises (indications):

Indication one. The methodology of study common to the sacraments of Christian initiation and the sacrament of marriage is addressed by number 80 of the document. The key here is the “5 steps” scheme:

¹¹ It is worth recalling the words of the Commission at the time: “The existence today of ‘baptized non-believers’ raises a new theological problem and a grave pastoral dilemma, especially when the lack of, or rather the rejection of, the Faith seems clear.” INTERNATIONAL THEOLOGICAL COMMISSION: *Propositions on the Doctrine of Christian Marriage* (1977), n. 2, 3 https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1977_sacramento-matrimonio_en.html [accessed 30.01.2023].

¹² INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 12.

¹³ *Ibidem*, nn. 15—79. What should be noted at this point — this title, but also the characteristic sentence of the chapter: “All the sacraments are *communicative* actions” (n. 71) signal that the Commission’s theological inquiries are situated at the very center of the contemporary trend of communicative theology. See H. O. MEUFFELS: *Kommunikative Sakramententheologie*. Freiburg—Basel—Wien 1995; B. J. HILBERATH, M. SCHARER: *Kommunikative Theologie: Grundlagen — Erfahrungen — Klärungen*. Mainz 2012.

¹⁴ G. URÍBARRI BILBAO: “Significato e piano del documento ‘Reciprocità tra fede e sacramenti nell’economia sacramentale.’” *L’Osservatore Romano*, ed. quotidiana, Anno CLX, no. 51, 2—3/03/2020, p. 7.

¹⁵ *Ibidem*.

¹⁶ “Matrimonio in assenza di fede...” (Intervista con il teologo gesuita Gabino Uríbarri Bilbao).

(1) demonstration of the biblical foundation; (2) study of the relationship between a given sacrament and the appropriate faith for the celebration thereof; (3) unravelling today's problems concerning the issue at hand; (4) selection of elements of tradition that shed light on the relationship between faith and sacrament; (5) presentation of a theological proposal for pastoral care about the faith necessary for the celebration of each sacrament. Importantly, the next two "steps" described in number 134 go some way toward clarifying the sensitive issue of the sacramentality of marriages between "baptized non-believers": (1) reviewing the state of the question, (2) offering a theological proposal for a solution to the issue, in harmony with the current theology of marriage.

Indeed, it is difficult to overlook that the chairman of the subcommittee, Professor Uríbarri, in the aforementioned commentary, directly links the research assumptions formulated in this way with the highlighting of yet another criterion: the adoption of the nodal role of the anthropological paradigm (!). The chairman argues methodically: (1) Marriage is a natural reality, that is, anthropological, and, moreover, in the union of the baptized, a sacramental reality. (2) The axiology of our culture is hostile to the Catholic understanding of natural marriage. (3) Under these circumstances, in view of the lack of faith in baptized non-believers, it is very difficult to assume the guaranteed intention of the party/parties to enter into natural marriage — with the project of realizing the matrimonial goods immanently inscribed in it: indissolubility, unity/fidelity and oblation love (*amor benevolentiae*) underlying the good of the spouses and the good of the offspring.¹⁷

However, in the document itself — as far as the said clarification of the research methodology is concerned — after a general signaling of the importance of the sacrament-anthropology relationship, in number 20, the reader must wait until number 172¹⁸ for the affirmation of the said principle (anthropological paradigm).

¹⁷ G. URÍBARRI BILBAO: "Significato e piano del documento..." p. 7

¹⁸ It is purposeful to quote *in extenso* the contents of this issue: "The fact that marriage is a creational reality implies that anthropology is an intrinsic part of its essence in a double sense, in which both are closely connected. On the one hand, the conception of what the human person is comes fully into play; the human person is someone who — as a relational being — fulfills his or her own being in self-giving. On the other hand, the essence of marriage is also touched by the understanding of sexual differentiation, male and female, as an element of the divine plan oriented towards procreation and towards the conjugal covenant, as a reflection of the divine covenant: a reflection of God with the people of Israel and of Christ with the Church. Both elements come fully into play in natural marriage. It is indissoluble, exclusive, and focused on the reciprocal good of the spouses, through interpersonal love, as well as on the offspring. Thus, the Church appears, sometimes alone and under attack, as the cultural bulwark that preserves

Indication two. This one, is just as important as the first and just as related to the Commission’s research methodology. The chairman of the subcommittee, in the author’s cited commentary, clearly declares: “What we defend is consistent with the concept of sacramentality and the dialogical nature of the sacramental economy [...]. Our proposal follows in the footsteps of the various interventions of Popes Francis, St. John Paul II and, above all, Benedict XVI; [Pope Benedict XVI — A.P.] offers his contribution to the debate of dogmatic, pastoral, canonical theology and pastoral discernment.”¹⁹ The specific priority accorded to the thought of Joseph Ratzinger/Benedict XVI is justified by Gabino Uríbarri by the fact that it was this successor of St. Peter who most clearly articulated in his magisterium the question of the influence of faith on anthropological concepts. “Following Benedict XVI — declares Spanish theologian this time in an interview with Vatican News — we start from the premise that faith determines anthropological concepts in every area of life, including marriage. We ask ourselves whether the consistent lack of faith, typical of those who can be called ‘baptized non-believers,’ affects their understanding of marriage — keeping in mind that in many places the socially shared understanding of marriage, including legally constituted marriage, is not based on indissolubility (being lifelong), fidelity (exclusivity and the well-being of spouses) and procreation (openness to offspring). We claim, therefore, that in the case of ‘baptized non-believers’ the intention to enter into a true natural marriage is not guaranteed. Without natural marriage, there is no reality that can be elevated to sacramental marriage: there is no sacramental marriage.”²⁰

This is how the context and meaning of the reference in the subtitle of this study to “doctrinal impulses” is revealed. After all, it remains a telling fact that the most frequently cited documents of the papal magisterium in the Commission’s study (if we do not count the *Catechism of the*

the natural reality proper to marriage. However, without falling into catastrophic lamentations, a sincere look at our cultural context cannot help but notice how aspects that lead to questioning the anthropological roots of the natural basis marriage are becoming increasingly entrenched as unquestionable axioms in postmodern culture. Thus, without wishing to be exhaustive, the predominant tendency embraces as evident, for example, these widespread, deep-seated, and sometimes legislatively sanctioned convictions that are clearly contrary to the Catholic faith.” INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 172.

¹⁹ G. URÍBARRI BILBAO: “Significato e piano del documento...,” p. 7.

²⁰ “Matrimonio in assenza di fede...” (Intervista con il teologo gesuita Gabino Uríbarri Bilbao).

*Catholic Church*²¹ and the two Codes: CIC 1983²² and CCEO²³) are precisely the texts of Benedict XVI: the famous 2013 “Address to the Roman Rota”²⁴ (11 times) and the 2007 exhortation *Sacramentum caritatis*²⁵ (5 times; *nota bene* the same number as Francis’ 2016 exhortation *Amoris laetitia*²⁶). For the sake of completeness, it should be added that John Paul II’s exhortation *Familiaris consortio* (1981)²⁷ is cited 4 times (with three references to the important number 68), and the famous 2001 “Address to the Roman Rota”²⁸ is cited 3 times.

Indication three. It is a sentence from Gabino Uríbarri’s interview with the portal Vatican News, also saying a lot about the Commission’s method of research work: “Our intention is very far from putting up barriers to the sacraments. On the contrary, we would like the document to help enhance pastoral care and sacramental practice. Taking sacramentality seriously in the history of salvation requires a minimum of faith, so that the celebration of the sacraments does not fall into empty ritualism, magic or a privatization of faith that no longer corresponds to ecclesiastical faith.”²⁹

The above clarifications pave the way for an attempt to fish out of the “sea of ideas” — which are not lacking in the theologically rich text of the document of the International Theological Commission — the “pearls” of wisdom, giving a full or at least partial answer to the title problem. Yes, in order to “discipline” the discourse we should first complete the explanation of the title (since there was already an opportunity to decode the title formulas: “post-synodal era,” “doctrinal impulses”) and attempt to outline a working hypothesis. The realization of this intention is facilitated by the Commission itself, determining the course of further reasoning in Chapter IV by putting

²¹ *Catechism of the Catholic Church* (editio typica: August 15, 1997).

²² *Codex Iuris Canonici* (Code of Canon Law, promulgated: January 25, 1983).

²³ *Codex Canonum Ecclesiarum Orientalium* (Code of Canons of the Eastern Churches, promulgated: October 18, 1990).

²⁴ BENEDICTUS XVI: “Allocutio ad Romanae Rotae Tribunal” [26.01.2013]. *Acta Apostolicae Sedis* [hereinafter: AAS] 105 (2013), pp. 168—172.

²⁵ BENEDICT XVI: *Apostolic Exhortation “Sacramentum caritatis”* [22.02.2007].

²⁶ FRANCIS: *Apostolic Exhortation “Amoris laetitia”* [19.03.2016]. It is noteworthy that Francis’ two addresses to the Roman Rota from 2015 and 2016 appear three times each in the footnotes. IDEM: “Allocutio ad Sodales Tribunalis Romanae Rotae” [23.01.2015]. AAS 107 (2015), pp. 182—185; IDEM: “Allocutio ad Tribunal Rotae Romanae, occasione Inaugurationis Anni Iudicialis” [22.01.2016]. AAS 108 (2016), pp. 136—139.

²⁷ JOHN PAUL II: *Apostolic Exhortation “Familiaris consortio”* [22.11.1981].

²⁸ IOANNES PAULUS II: “Allocutio ad Romanae Rotae tribunal” [1.02.2001]. AAS 93 (2001), pp. 358—365.

²⁹ “Matrimonio in assenza di fede...” (Intervista con il teologo gesuita Gabino Uríbarri Bilbao).

a *questio dubia* around the sacramentality of marriage of baptized non-believers.³⁰

This step — and here one must applaud the ironclad methodology of the Commission's work — is preceded by one objection. In number 133 it says: “we shall focus exclusively on the Latin understanding [of marriage — A.P.]” The justification follows: While there is a common core in the theology of marriage of East and West, there are notable differences between the Latin and Eastern traditions. Namely, while in Latin theology the prevailing understanding is that the spouses are the ministers of the sacrament, on the grounds of their free mutual consent, for the Eastern tradition the blessing of the bishop or priest belongs to the essence of the sacrament. Only the sacred minister has been given the faculty to invoke the Spirit (*epiclesis*) to actualize the sanctification inherent in the sacrament. Indeed, this understanding of the sacrament of marriage is embedded in a theology with its own characteristics and profile, a theology in which the sanctifying effects of the sacrament come to the foreground.³¹

Taking the objection made at face value we can already concentrate on the precise development of the *questio dubia* in the Commission's final remarks for this phase of research contained in number 167 — under the intriguing title: “Possible Theoretical Alternatives to Resolve the Issue.” Without going into detail here, one comment seems necessary. The conclusive nature of the alternative theories/concepts cited in the document by not mentioned by names canonists (Winfried Aymans, Sabine Demel, Andreas Schmidt) or theologians (José Granados) — recognized experts who announced or refreshed their theories³² at the beginning of the Com-

³⁰ See in Chapter IV, entitled: “The Reciprocity between Faith and Marriage,” Section 4.2 entitled: “A *Quaestio Dubia*: The Sacramental Quality of the Marriage of ‘Baptized Non-Believers.’” INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 143—167.

³¹ *Ibidem*, n. 133.

³² W. AYMANS: “Sakramentale Ehe. Ein Plädoyer für eine Neubesinnung auf den religiösen Sinn des kirchlichen Eheverständnisses. Ein Zwischenruf zu den Bischofssynoden 2014/1015.” *Archiv für katholisches Kirchenrecht* 183 (2014), pp. 123—130; S. DEMEL: “Mangelnder Glaube und Ehenichtigkeit oder Ehesegen und Trauaufschub? Grundlegende Fragen zum Thema Scheidung und Wiederheirat in der katholischen Kirche.” *Anzeiger für die Seelsorge* 124 (2015), pp. 5—9; S. DEMEL: “Zivile — kirchliche — sakramentale Ehe. Ein Reformvorschlag zur Überwindung rechtlicher Widersprüche in der kirchlichen Ehegesetzgebung.” In: *Ius semper reformandum. Reformvorschläge aus der Kirchenrechtswissenschaft*. Eds. M. PULTE, TH. MECKEL [Kirchen- und Staatskirchenrecht. Vol. 28]. pp. 85—96. A. SCHMIDT: “Taufe, Glauben und Unauflöslichkeit der Ehe. Zum inneren Zusammenhang von objektiver Sakramentalität und persönlichem Glaubensvollzug.” *Internationale Katholische Zeitschrift Communio* 44 (2015), pp. 427—440, 433—438; A. SCHMIDT: “Ein Ausweg aus dem ‘großen Dilemma’? Perspektiven einer erneuerten Ehepastoral.” *Kirche heute*, Januar 2015, pp. 10—13; J. GRANADOS: “The sacramental

mission's work — obviously gave rise to a detailed research query,³³ to at least give credence to the thesis that it is only to the presented theory of the International Theological Commission, and not another, that the words of the title fit: “A New Concept of Response...” It is precisely such an attempt to look at the *questio dubia* — without losing sight of the idea of harmonization *vetera et nova* in the study of matrimony³⁴ — that constitutes the working hypothesis of the present study.

The aforementioned 167th number is undoubtedly a testimony to the diligent, highly professional work of the theologians. This is evidenced by the Commission's explicitly communicated endeavor for the completeness of the “options” presented here to define the relationship: the faith of the nupturients and the valid reception of the sacrament of marriage; importantly — with precise justification for their rejection (here: four inadequate optics — with more positions not noted in the document³⁵) or potential acceptance. As for the latter — the adequate ideological horizon outlined in Chapter 2 of the document guides the Commission to a draft of its own original position, which is fully developed later in the document.

At the beginning, however, it seems appropriate to briefly outline these “theoretical alternatives to resolve the issue” (according to the wording of the title formula), from which the Commission's theologians have distanced themselves. Firstly, it is completely unjustified to force sacramental automatism, in the sense that the mere baptism of the nupturients, regardless of their faith, elevates the marriage contract *eo ipso* to the supernatural reality of a sacrament. Secondly, it is incompatible with current Catholic doctrine *de matrimonio* to accept the possibility of the separation between valid marriage contract and sacrament. While the identity between contract and sacrament has not been solemnly defined, it can be considered as theologically certain. Serious arguments would have to be

Character of Faith: Consequences for the Question of the Relation between Faith and Marriage.” *Communio* 41 (2014), pp. 245—268; J. GRANADOS: “Glaube und Ehesakrament.” *Kirche heute*, April 2015, pp. 7—10.

³³ An extensive presentation of the results of this search exceeds the scope of this article, and certainly deserves a separate study.

³⁴ See A. PASTWA: “‘Person’ in CIC and CCEO Matrimonial Law. Around the Idea of Vetera et Nova Harmonisation in the Church Doctrine and Jurisprudence.” *Semicentennial of Karol Wojtyła's “Person and Act”: Ideas — Contexts — Inspirations (II). Philosophy and Canon Law 7/2* (2021), pp. 1/33.

³⁵ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 167. Yes, a certain dissatisfaction may be caused by the general nature of this presentation, namely a cursory overview of “optics” instead of a polemical recounting of specific ideological positions.

made in favour of the opposite position.³⁶ Thirdly, the dialogical character of the sacramental economy shows that the faith of the Church precedes and accompanies personal faith, but can never supplant it completely. Thus, it is difficult to accept the view that the faith of the Church community would compensate for the complete absence of personal faith of the contracting parties.³⁷ Fourthly, it is unconvincing, in the Commission's view, to perceive the sacramentality of marriage through the prism of the salvific effect of baptism, or more precisely the efficacy associated with the "character" (*character indelebilis*) imprinted in baptism. Indeed, invoking only this "character" and the acquisition of *habitus fidei* confirms a sacramental communication on the part of God, but the dialogical response of a personal nature on the part of the graced subject is lacking.

What remains is the need to ask, therefore, how the International Theological Commission implemented *in concreto* the synodal appeals of bishops in 2014 — the first appeal (from *Instrumentum laboris* of the Third Extraordinary General Assembly of the Synod of Bishops): "there is a need to deepen the question [Italian *la necessità di approfondire la questione*] of the relationship between faith and the Sacrament of Matrimony"³⁸; and a later appeal (from *Relatio Synodi* of the Third Extraordinary General Assembly of the Synod of Bishops): "it is necessary to consider the possibility of giving importance to the faith of the nupturients [Italian *la possibilità di dare rilevanza al ruolo della fede dei nubendi*] in ascertaining the validity of the Sacrament of Marriage, all the while maintaining that the marriage of two baptized Christians is always a sacrament."³⁹

³⁶ Ibidem, n. 167b.

³⁷ Ibidem, n. 167c.

³⁸ "[...] si indica la necessità di approfondire la questione del rapporto tra fede e sacramento del matrimonio". SYNOD OF BISHOPS. III EXTRAORDINARY GENERAL ASSEMBLY: *Instrumentum Laboris: The Pastoral Challenges of the Family in the Context of Evangelization* (Juni 26, 2014), n. 96, https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20140626_instrumentum-laboris-familia_en.html [accessed 30.01.2023].

³⁹ SYNOD OF BISHOPS. III EXTRAORDINARY GENERAL ASSEMBLY: *Relatio Synodi...*, n. 48. See similarly — SYNOD OF BISHOPS. XIV ORDINARY GENERAL ASSEMBLY: *Instrumentum Laboris: The Vocation and Mission of the Family in the Church and in the Contemporary World* [23.06.2015], nn. 114—115, https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20150623_instrumentum-xiv-assembly_it.html [accessed 30.01.2023]. The author's attempt to respond in detail to the latter appeal is the study — A. PASTWA: "Love Builds Communion between Persons' (UUS, n. 21). Christological-Ecclesiological Key to Confirm the Identify of Marriages of Baptized Non-Catholics." *Ut Unum Sint (II). Ecumeny and Law 10/2* (2022), pp. 29—57.

2. Standpoint developed by the International Theological Commission

The initial presentation of the Commission's own standpoint on the issue at hand (faith and the sacrament of marriage) is connected in the document under review (2020) to the disclosure of the existence of a fifth "option" — against the background of the four previously mentioned "theoretical alternatives to resolve the issue." The key to the new concept is the focus of analysis on the concept of "intention."⁴⁰ Already in the "programme" Chapter II, clarifications were made to give a solid doctrinal basis and be a prelude to establish a coherent concept for solving the *questio dubia* (the problem of baptized non-believers⁴¹). One passage from this chapter is particularly worth quoting: "The intention stands at a crucial point. On the one hand, it completely preserves the efficacy *ex opera operato*, that is: the efficacy of sacramental actions is due wholly and exclusively to Christ and not to the faith of either the recipient or the minister of the sacrament. But it also leaves intact the dialogical character of the sacramental event, so that one does not fall into either magic or sacramental automatism. The intention expresses the indispensable minimum of voluntary personal participation in the gratuitous event of the sacramental transmission of saving grace."⁴²

These clarifications seem to be sufficient to proceed to tracing the process of the Commission's theologians putting together the substantive puzzle, with the clear intention (in accordance with the detailed research plan adopted⁴³) of obtaining the much-desired complete "picture"

⁴⁰ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 167e.

⁴¹ *Ibidem*, n. 143.

⁴² *Ibidem*, n. 69. The intention (positive) has already been discussed in an earlier statement by the Commission: "The reception of the sacraments can be valid or invalid, fruitful or fruitless. For an adequate disposition it is not enough to not externally or internally contradict what the sacrament means. In other words, the recipient must believe both in the content (*fides quae*) and existentially (*fides qua*) that which Christ gives him sacramentally through the mediation of the Church. There are varying degrees of conformity with the doctrine. What is decisive here is that the recipient does not reject the Church's teaching at all. There are also degrees of intensity of faith. What is decisive here is the positive disposition to receive what the sacrament signifies. Each fruitful reception of a sacrament is a communicative act and thus part of the dialogue between Christ and the individual believer." *Ibidem*, n. 68.

⁴³ "[*Preliminary Formulation of the Question*]. Thus, the question that arises is whether two unmarried baptized non-believers of opposite sexes, who fall into either of the two categories just described, are married by a sacramental celebration or by some

of the issue under study. The following insight into the successive stages of the implementation of the said plan, will make it possible to determine whether the result of the research of the International Theological Commission can really be attributed to the term “new concept”:

1. In the first stage, an updated/modernized thesis on the overwhelming influence of the dominant culture on the understanding of marriage is developed (with the designed intention of not striking catastrophic tones after all). The clou of the Commission’s theologians’ standpoint is conveyed by the categorical statement: “The Church appears, sometimes alone and under attack, as the cultural bulwark that preserves the natural reality proper to marriage.”⁴⁴ Consistently, the document no longer emphasizes (as it used to) cultural determinants in those parts of the world where there is a tradition of polygamous unions. Here, the legal-canonical judgment (unified in the judicial practice of the ecclesiastical courts) poses little difficulty: if the nupturient lacks “explicit faith”⁴⁵ it is very difficult to assume that his intention to enter into marriage accommodates the exclusivity inherent in natural marriage; not to mention the serious threat to the realization of the principle of the equal dignity of man and woman, a principle — as the Commission reminds us — implied by *bonum coniugum*, one of the essential good of marriage.⁴⁶ The document, on the other hand, emphasizes the problems associated with our cultural circle, in which the anthropological paradigm is being challenged (on various levels and in many ways),⁴⁷ defined primarily by two principles: (1) the human person is a relational entity that is fully realized in the giving of self, (2) marriage as a natural covenant of persons is essentially defined by the sexual difference between a man and a woman and directed towards procreation.⁴⁸ Well, in today’s rapidly secularizing (or heavily secularized) world, attitudes to life are spreading that are alien to the model of natural marriage.⁴⁹ Here the Commission — without claiming complete-

other valid form of union: Is it a sacrament? The topic is the subject of debate and has generated an abundant literature. Its solution is not clear, since several major elements come into play in simultaneous interaction. Next, we shall go through some significant milestones of its development in recent years, in order to responsibly consider the terms of the question.” Ibidem, n. 145.

⁴⁴ Ibidem, n. 172.

⁴⁵ Ibidem.

⁴⁶ Ibidem, n. 170.

⁴⁷ “[...] the predominant tendency embraces as evident, for example, these widespread, deep-seated, and sometimes legislatively sanctioned convictions that are clearly contrary to the Catholic faith.” Ibidem, n. 172.

⁴⁸ Ibidem.

⁴⁹ Meanwhile, as Benedict XVI taught: “[...] a reaffirmation of the innate human capacity for marriage is itself the starting point for enabling couples to discover the natu-

ness of exposition — presents “the typology”⁵⁰ of such attitudes with an appropriate phenomenological description. The list includes seven cases⁵¹: (a) a focus on one’s own self-realization, (b) a “macho” mentality, (c) permeation by “gender ideology,” (d) a divorce mentality, (e) a hedonistic approach to one’s own body, (f) a dissociation between the conjugal act and procreation, (g) equating with marriage not only *de facto* unions, but also unions of persons of the same sex.⁵²

2. The next stage of formulating conclusions — now directly relevant in the legal-canonical sense — opens up the fundamental question signaled earlier: whether marriage between “baptized non-believers,” who mentally and personality-wise correspond to the attitudes of the mentioned typology, can be a sacrament of faith. More specifically, the question is about non-believers whose lifestyle is evidently defined by one or more factors of the mentioned typology. The response of the International Theological Commission is as follows: “The absence of faith may compromise the intention to celebrate a marriage.”⁵³ Two perspectives, closely intertwined in Christian marriage,⁵⁴ are meant to highlight, as the Commission’s further arguments indicate, the validity of this conclusion. The framework of the first perspective is delineated by the section’s title: “The Effect of the Absence of Faith on the Natural Goods of Marriage”⁵⁵ — with the arguments included in numbers 174—179 of the document. As it was revealed the Commission dedicated special attention to the two

ral reality of marriage and its importance for salvation. Ultimately, what is at stake is the truth about marriage itself and its intrinsic juridical nature.” BENEDICTUS XVI: “Allocutio ad sodales Tribunalis Rotae Romanae” [29.01.2009]. AAS 101 (2009), pp. 124—128; see also IDEM: “Allocutio ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis” [27.01.2007]. AAS 99 (2007), pp. 86—91.

⁵⁰ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments*..., n. 173.

⁵¹ *Ibidem*, n. 172.

⁵² “Thus, not only successive unions, *de facto* unions, or those without a formal marriage contract, but also unions of persons of the same sex are all spreading. Successive unions *de facto* deny indissolubility. Temporary or probationary cohabitation disavows indissolubility. Same sex unions do not recognize the anthropological meaning of the difference in sexes (Gn 1:27; 2:22—24) inherent in the natural understanding of marriage, according to the Catholic faith.” *Ibidem*.

⁵³ *Ibidem*, n. 173.

⁵⁴ “In Christian marriage, there is a bond, much greater than in any other sacrament, between creaturely and supernatural reality and between the order of creation and that of redemption. ‘Marriage has been instituted by God the Creator,’ and then elevated to the dignity of a sacrament. Given this very close bond, it is understood that a modification of the natural reality of marriage, a departure from the creational project, directly affects the supernatural reality, the sacrament.” *Ibidem*, n. 174.

⁵⁵ *Ibidem*.

goods of marriage, inspired by the teachings contained in the Benedict XVI's "Address to the Roman Rota" in 2013,⁵⁶ *bonum coniugum* and *bonum sacramenti*. The arguments repeated after the Pope are well-known. At this point it is only worth recalling one characteristic statement closing, as it were, this part of the Commission's concluding findings: "The lack of faith itself includes serious doubts about indissolubility in our cultural context."⁵⁷

3. What remains is the final stage of the way of unraveling the problem, programmed in the International Theological Commission's document: the lack of faith in "baptized non-believers" and the authenticity of the intention to marry. The initial thesis is built by the Commission on the foundation of the principle of *eo ipso sacramentum*. The sacrament of marriage, more than any other sacrament expresses the close connection between the order of creation and redemption, created and supernatural realities; after all, the marriage covenant established by the Creator is elevated between the baptized to the dignity of a sacrament.⁵⁸ Since this is the case, on the one hand, any questioning of the natural reality of marriage, which undermines and nullifies the Creator's idea, obviously impinges on the supernatural/sacramental reality, blocking the grace of Christ. But also, on the other hand — if we reverse the "direction" — there is a similar relationship, of which the case of marriages between "baptized non-believers" is a suitable exemplification. A clear rejection of supernatural reality (sacramental dignity of marriage) that occurs in case of such nupturients, resulting either from a complete, in the biographical sense, lack of faith (as we read in the document — the situation of the baptized "who never personally assumed the faith"⁵⁹), or from the abandonment of the faith by, for example, a formal act — can potentially result in the failure to form *in concreto* the "sign" of marriage on the natural plane, as intended by God the Creator.⁶⁰ Referring to the Catho-

⁵⁶ BENEDICTUS XVI: "Allocutio ad Romanae Rotae Tribunal" [26.01.2013]..., pp. 168—172.

⁵⁷ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 178.

⁵⁸ CIC 1983, can. 1055: "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized (§1); For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament [*eo ipso sacramentum*] (§ 2)." Cf. CCEO, can. 776 § 2.

⁵⁹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 174.

⁶⁰ *Ibidem*, n. 180.

lic understanding of the sacrament,⁶¹ the Commission adds to the finding the following theological explanation: “For sacramental marriage to take place, a kind of love is required as an external visible reality that, by its particular qualities (goods of marriage: GS 48—50) and together with the help received by grace, can signify the love of God. In other words, a marital bond that does not include indissolubility, fidelity, the sacrificial disposition towards the other spouse, and openness to life would not be a sign that is capable of signifying Christ’s love for the Church. The Church understands that in this type of bond the truth of married love does not emerge.”⁶²

Here the Commission proceeds to formulate its final conclusions, among which attention is drawn by the strong “we affirm” (Italian *afferriamo*): “We affirm that, in the case of an absence of faith as explicit and clear as that of the described baptized non-believers, serious doubts about an intention that includes the goods of natural marriage, as understood by the Church, make it possible to maintain serious reservations about the existence of a sacramental marriage.”⁶³ The “i”s are dotted and “t”s crossed, namely the expected reference by the Commission’s theologians to the 68th point in *Familiaris consortio* appears. They finally recalled that the sacramental practice of the Church makes it possible to refuse the sacrament of marriage under the conditions specified by Pope John Paul II.⁶⁴

The picture of the connection between faith and the sacrament of marriage that we get from the direct response of the theologians of the International Theological Commission to the *questio dubia* would be incomplete if we did not include the effects of their earlier reflection on two nodal issues. The first, concerns the understanding of an important statement by the same body in a 1977 document: “The intention of car-

⁶¹ “[*Sacramentality: The Concept*]. There pertains to sacramental logic the inseparable correlation between a signifying reality that has a visible external dimension, e.g. the integral humanity of Christ, and another meaning that has a supernatural, invisible, sanctifying character, e.g. the divinity of Christ. When we speak of sacramentality we are referring to this inseparable relationship, in such a way that the sacramental symbol contains and communicates the symbolized reality. This presupposes that every sacramental reality in itself includes an inseparable relationship with Christ, the source of salvation — and with the Church — the depository and dispenser of Christ’s salvation.” *Ibidem*, n. 16.

⁶² *Ibidem*, n. 180.

⁶³ *Ibidem*, n. 181.

⁶⁴ For the unknown reason, the English edition of the document on the official Vatican website omits this passage (!). The final passus in question in the Italian original is as follows: “È, pertanto, in sintonia con la pratica sacramentale della Chiesa negare il sacramento del matrimonio a coloro che lo chiedono a queste condizioni, come già sosteneva Giovanni Paolo II (cf. §§ 153 e 169).” *Ibidem*. Cf. *ibidem*, nn. 153, 169.

rying out what Christ and the Church desire is the minimum condition required before consent is considered to be a ‘real human act’ on the sacramental plane.”⁶⁵ The Commission notes that John Paul II had already in the 2001 and 2003 allocutions to the Roman Rota⁶⁶ implicitly corrected emerging misinterpretations of this recognized and widely accepted theological opinion. Above all, the essence of the error was demonstrated by Benedict XVI in the 2013 allocution, as he directly quotes the content of this opinion: “The indissoluble pact between a man and a woman does not, for the purposes of the sacrament, require of those engaged to be married, their personal faith; what it does require, as a necessary minimal condition, is the intention to do what the Church does. [...] It is important not to confuse the problem of the intention with that of the personal faith of those contracting marriage.”⁶⁷ It was this magisterial voice that the Commission used to make an unequivocal declaration: “The minimum requirement [Italian *Il minimo indispensabile* (sic! — A.P.)] for there to be a sacrament is the intention to enter into a true natural marriage.”⁶⁸

Should this declaration be regarded as an elaborate position on the *questio dubia*? An affirmative answer could even mean an unintentional (certainly) invalidation of part of the Commission’s earlier findings on the potential consequences of a complete lack of personal faith. Something else, however, emerges from further passages in the document. Emblematic here is its authors’ emphasis on the importance of the words of the

⁶⁵ INTERNATIONAL THEOLOGICAL COMMISSION: *Propositions on the Doctrine of Christian Marriage...*, n. 2,3; INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 149. The 1977 document goes on to say: “The problem of the intention and that of the personal faith of the contracting parties must not be confused, but they must not be totally separated either. In the last analysis the real intention is born from and feeds on living faith. Where there is no trace of faith (in the sense of ‘belief’ — being disposed to believe), and no desire for grace or salvation is found, then a real doubt arises as to whether there is the above-mentioned general and truly sacramental intention and whether the contracted marriage is validly contracted or not. As was noted, the personal faith of the contracting parties does not constitute the sacramentality of matrimony, but the absence of personal faith compromises the validity of the sacrament.” INTERNATIONAL THEOLOGICAL COMMISSION: *Propositions on the Doctrine of Christian Marriage...*, n. 2,3

⁶⁶ IOANNES PAULUS II: “Allocutio ad Romanae Rotae tribunal” [1.02.2001]..., pp. 363—364, n. 8; IDEM: “Allocutio ad Romanae Rotae iudices” [30.01.2003]. AAS 95 (2003), p. 397, n. 8.

⁶⁷ BENEDICTUS XVI: “Allocutio ad Romanae Rotae Tribunal” [26.01.2013], p. 168, n. 1.

⁶⁸ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 166g; cf. *ibidem*, n. 154.

forementioned corrective statement by Benedict XVI (quoted in full): “However, if it is important not to confuse the problem of the intention with that of the personal faith of those contracting marriage, it is nonetheless impossible to separate them completely.”⁶⁹ Consistently following the papal enunciation, the Commission includes a kind of appendix to its earlier declaration (in the closing paragraph of the section “The Terms of the Question”⁷⁰): “In the case of the sacrament of matrimony, faith and intention cannot be identified, but they also cannot be completely separated.”⁷¹

The second nodal issue concerns the principle of *eo ipso sacramentum*⁷² — we can boldly say: on the foundation of which the entire system of matrimonial law is built.⁷³ Consistent with such an assessment, a full/unreserved affirmation of the said principle takes place in the 1977 document of the International Theological Commission: “The Church cannot in any way recognize that two baptized persons are living in a marital state equal to their dignity and their life as ‘new creatures in Christ’ if they are not united by the sacrament of matrimony.”⁷⁴ In contrast, the 2020 document under review poses the issue somewhat differently — it is obvious: with some uncertainty about the validity of the *eo ipso sacramentum* principle in the future. As the chairman of the subcommittee, Professor Uríbarri, reveals — not without the influence of Pope Francis’ teachings in the exhortation *Amoris laetitia*, which noted the absence of this principle in the matrimonial law of the Eastern Catholic Churches.⁷⁵ The words of the Commission’s document speak for themselves.

⁶⁹ BENEDICTUS XVI: “Allocutio ad Romanae Rotae Tribunal” [26.01.2013], p. 168, n. 1; INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 158.

⁷⁰ The recommendation of the Commission’s theologians is hard to overlook at this point: “We propose to delve deeper into this last point for the case of the baptized non-believers described above. This is an aspect that is congruent with the reciprocity between faith and sacraments that we have been defending.” THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 166h.

⁷¹ *Ibidem*.

⁷² CIC 1983, can. 1055 § 2; cf. CIC 1917, can. 1012 § 2.

⁷³ See W. GÓRALSKI: “Nierozdzielność ważnej umowy małżeńskiej zawartej między ochrzczonymi i sakramentu (kan. 1055 § 2 KPK i kan. 776 § 2 KKKW).” *Ius Matrimoniale* 12 (2007), pp. 7—33.

⁷⁴ INTERNATIONAL THEOLOGICAL COMMISSION: *Propositions on the Doctrine of Christian Marriage...*, n. 3.3 [*Every Marriage between Baptized Persons Must Be Sacramental*].

⁷⁵ “Ci sono ancora questioni in sospeso, che le »scienze sacre« dovrebbero chiarire. In primo luogo, la concezione latina dell’inseparabilità tra contratto e sacramento, che è estranea alla concezione delle Chiese cattoliche orientali, come già messo in guardia da Papa Francesco (Esort. apost. *Amoris laetitia* [19 marzo del 2016] 75: AAS 108 [2016] 341).” G. URÍBARRI BILBAO: “Significato e piano del documento...,” p. 7.

“The most established Catholic doctrine maintains the inseparability between contract and sacrament (cf. § 155). *The definitive clarification of this aspect is still pending* [emphasis mine — A.P.]. The separation between contract and sacrament would have a direct impact on the question we are discussing. Given the present state of Catholic doctrine, we follow the current prevailing view about the inseparability of contract and sacrament.”⁷⁶

3. Conclusions

In the concluding, final part of this article, it is appropriate to return to the hypotheses raised earlier in the form of questions: (1) Has the International Theological Commission realized the cited desiderata of the 2014 Synod of Bishops? (2) Has the study of the title issue by a distinguished expert body resulted in a “new concept”; and if so, can it be assumed that the result of the Commission’s six-year work is — important for the canonical doctrine and, above all, helpful for the consistent jurisprudence — a clarification of the *questio dubia*: “baptized non-believers” and the sacrament of marriage?

The answer to the first question is not difficult — because it can only be affirmative. The deepening of the issue of the relationship between faith and the sacrament of marriage, as advocated by the synodal fathers, as well as the appreciation of the faith of the nupturients with regard to the validity of the sacrament of marriage within reasonable limits, that is, respecting the principle of *eo ipso sacramentum*, is best demonstrated by: (1) the very thesis contained in the title of the 2020 document (here the validity of the words of chairman Professor Uríbarri should be affirmed: “this document [will contribute — A.P.] to a deeper understanding of the sacramental nature of the Christian faith, based on the reciprocity of faith and sacraments”⁷⁷); (2) a solid theological discourse, focused on the issue of the impact of the lack of faith on the intention of the nupturients, which has been crowned with a clear message: the total lack of personal faith undermines the validity of sacramental marriage to the extent that it can jeopardize the minimal intention of natural marriage.⁷⁸

⁷⁶ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 166e.

⁷⁷ G. URÍBARRI BILBAO: “Significato e piano del documento...,” p. 7.

⁷⁸ Cf. S.-Th. BONINO: “Un parere della Commissione Teologica Internazionale...,” p. 7.

The answer to the question of “new concept” is no longer so straightforward. Yes, the “novelty” is highlighted by the achievements of the Commission just presented, and arguments in favor of the legitimacy of talking about the “concept” is provided by a comprehensively laid out, compact and coherent theory explaining the issue marked by the title of the document. However, if we focus our attention on the result of the process of clarifying the *questio dubia* and ask directly: Does the *novum* of theological illumination of the problem, namely, the intention of the “baptized non-believer” and the validity of the sacrament of marriage, foreshadow the significant *novum* of *in iure* argumentation in the judgments of Church courts, which will examine the specific *causa matrimonii* in the subject matter? — what remains is skepticism.

There are at least two reasons that make it difficult (if not impossible) to accept the *novum* thesis. First, the International Theological Commission itself attests that the Tribunal of the Roman Rota has already issued rulings that coincide with the ideological line of the document, according to which a lack of faith can affect the intention to enter into a natural marriage. By way of example, the well-known sentence *coram Stankiewicz* of April 25, 1991⁷⁹ is pointed to. Unfortunately, this is the only sentence of the Roman Rota cited in the document, to which, in doing so, the date is erroneously assigned: April 19 (sic!), 1991.⁸⁰ To make matters worse, the firmness of the — as it might seem: unconditional — affirmation of the exemplary character of the jurisprudence of the aforementioned apostolic tribunal⁸¹ strongly weakens the categorical tone of the opinion expressed by chairman Gabino Uríbarri. Namely, he claims that the official (implicitly: papal) authorization of the doctrine, developed by the Commission, will entail its transplantation into law and its implementation in the processes of *de nullitate matrimonii*.⁸²

⁷⁹ Dec. z 25 IV 1991 r. *coram Stankiewicz*. RRDec. 83 (1991), pp. 280—290.

⁸⁰ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 156.

⁸¹ Cf. A. PASTWA: *Il bene dei coniugi. L'identificazione dell'elemento ad validitatem nella giurisprudenza della Rota Romana* [Biblioteca Teologica, Sezione Canonistica, 7]. Lugano—Siena 2018, pp. 85—94.

⁸² “La regolamentazione canonica della celebrazione e della validità del sacramento del matrimonio si deduce dalla verità dogmatica dello stesso. Se la dottrina che proponiamo viene accettata, ai canonisti toccherà strutturarne la traduzione giuridica nei processi di nullità. Ciò nonostante, desidero sottolineare che il nostro documento ha inteso tener presente la saggezza che il diritto canonico raccoglie, quale scienza sacra. In questo contesto, voglio evidenziare che la giurisprudenza del Tribunale della Rota Romana ha già emesso sentenze nella linea del nostro documento. E cioè, considerando il fatto che la mancanza di fede può pregiudicare l'intenzione di celebrare un matrimonio naturale (per esempio: sentenza *coram Stankiewicz*, 19 aprile

Secondly, the quoted chairman of the subcommittee that prepared the document explicitly admits in a comment to it: “There are still unresolved issues that the ‘sacred teachings’ should clarify.”⁸³ Among such — in the opinion of the chairman — is the clear discrepancy between the statement of number 16 of the Introduction (*Praenotanda*) to the *Ordo celebrandi matrimonium*: “the sacrament of matrimony presupposes and demands faith”⁸⁴ and number 1601 of the CCC, which — citing can. 1055 § 2 of the Code of Canon Law 1983 — says nothing about faith, but only about baptism. Here it becomes clear where the skepticism expressed earlier comes from. Especially this last opinion of the chairman (not original indeed⁸⁵) — concluding: “the tension between the two statements requires a deeper understanding of the role of faith in the sacrament of marriage, not just the role of baptism”⁸⁶ — could even lead to putting a question mark in the title of the study (“A New Concept of Response to Doctrinal Impulses?”).

* * *

Directing the attention of the recipients of the International Theological Commission’s document to “still [...] unresolved issues”⁸⁷ is very reminiscent of a 2014 statement by Benedict XVI. In the famous text “Zur Frage nach der Unauflöslichkeit der Ehe” (new edition; first version — 1972⁸⁸), the late pope states that the magisterium’s examination with

1991).” “Matrimonio in assenza di fede...” (Intervista con il teologo gesuita Gabino Uríbarri Bilbao).

⁸³ G. URÍBARRI BILBAO: “Significato e piano del documento...” p. 7.

⁸⁴ *Ordo celebrandi matrimonium* (editio typica altera: March 19, 1990), [*Praenotanda*], n. 16.

⁸⁵ See A. PASTWA: “‘Komunia w Duchu’. Małżeństwo a Eucharystia w świetle norm kanonów 1065 § 2 i 1119 KPK.” *Ius Matrimoniale* 17 (2012), pp. 7–43.

⁸⁶ “Ci sono ancora questioni in sospeso, che le »scienze sacre« dovrebbero chiarire. [...] In secondo luogo, il posto della fede nel sacramento del matrimonio dovrebbe essere ulteriormente approfondito. Nei *praenotanda* del rito del matrimonio si dice: ‘I pastori, guidati dall’amore di Cristo, accolgano i fidanzati e in primo luogo ridestino e alimentino la loro fede: il sacramento del Matrimonio infatti suppone e richiede la fede’ (*Ordo celebrandi matrimonium*, *Praenotanda* § 16 [...]). Tuttavia, la definizione di matrimonio nel *Catechismo della Chiesa Cattolica*, § 1601, che cita il *Codice di Diritto Canonico*, canone 1055, § 2, non menziona affatto la fede, ma solo il battesimo. La tensione tra le due affermazioni richiede una comprensione più profonda del ruolo della fede nel sacramento del matrimonio e non solo del ruolo del battesimo.” G. URÍBARRI BILBAO: “Significato e piano del documento...” p. 7.

⁸⁷ *Ibidem*.

⁸⁸ J. RATZINGER: “Zur Frage nach der Unauflöslichkeit der Ehe. Bemerkungen zum dogmengeschichtlichen Befund und zu seiner gegenwärtigen Bedeutung.” In: *Ehe und*

“great seriousness” of the title problem encounters a paradoxical situation: “Baptism makes a person a Christian, but without faith he remains a baptized pagan. Canon 1055 § 2 says that a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament. How, then, to assess the situation when a baptized person and a non-believer does not know the sacrament at all? Perhaps he has the will to be inseparable, but does not see, the newness of the Christian faith. The tragedy of this situation becomes especially apparent when baptized pagans convert to the faith and begin a completely new life. This raises questions to which we do not yet have answers and makes the search for them all the more urgent.”⁸⁹

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⁸⁹ J. RATZINGER/BENEDICT XVI: “Zur Frage nach der Unauflöslichkeit der Ehe. Bemerkungen zum dogmengeschichtlichen Befund und zu seiner gegenwärtigen Bedeutung.” In: *Joseph Ratzinger, Gesammelte Schriften*. Vol. 4. Ed. G. L. MÜLLER. Freiburg 2014, pp. 600—621.

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Relation *fides*—*sacramentum matrimonii* à l’ère post-synodale (2015—)
Un nouveau concept de réponse aux impulsions doctrinales

Résumé

En 2020, la Commission théologique internationale a publié un document important : *La reciprocità tra fede e sacramenti nell’economia sacramentale*. Ce document est la présentation de six années de travail d’experts sur l’exploration de la relation entre la foi et les sacrements. La justification théologique originale du rôle particulier de la foi dans la validité et la fécondité de chaque sacrement culmine, pour ainsi dire, dans la focalisation sur un « domaine » ecclésialement sensible (*Ecclesia domestica*) — ce qui est déjà annoncé par les déclarations introductives sous le sous-titre « criant » : *Fede e sacramenti : una reciprocità in crisi*. Il s’agit d’une proposition scientifique sérieuse pour la réintégration de la doctrine de *sacramentum matrimonii*, avec un traitement complexe de la question de la dignité sacramentelle du mariage — une étude très attendue parce qu’elle s’inscrit dans le contexte des deux assemblées mémorables du Synode des évêques de 2014 et de 2015.

Accepter l’hypothèse de la légitimité de la césure du titre (2015-), marquant l’ « ère post-synodale », a dicté à l’auteur de la présente étude — par conséquent — une enquête approfondie : comment la Commission théologique internationale a mis en œuvre in concreto les appels synodaux des évêques de 2014 — le premier appel (de l’*Instrumentum laboris* de la IIIe Assemblée Générale Extraordinaire du Synode des Évêques) « est nécessaire d’approfondir la question du rapport entre la foi et le sacrement du mariage » ; et l’appel suivant (de *Relatio Synodi* de la IIIe Assemblée Générale Extraordinaire du Synode des Évêques) : « il faudrait aussi considérer la possibilité de mettre en relief, en

fonction de la validité du sacrement du mariage, le rôle de la foi des deux personnes qui avaient demandé le mariage, en tenant compte du fait qu'entre baptisés tous les mariages valides sont sacrement ».

Dans sa conclusion, l'auteur répond à la question qui préoccupe le canoniste : peut-on supposer que le résultat des six années de travail de la Commission est — important pour la canonicité et, surtout, utile pour une jurisprudence uniforme — une clarification de la *questio dubia* : les « baptisés non-croyants » vis-à-vis du sacrement de mariage ?

Mots-clés : Synode des évêques, Commission théologique internationale, pape Benoît XVI, rapport entre foi et sacrements, sacrement du mariage, sacramentalité du mariage des « baptisés non-croyants », jurisprudence

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Il rapporto *fides-sacramentum matrimonii* nell'era post-sinodale (2015–) Una nuova concezione di risposta agli impulsi dottrinali

Sommario

Nel 2020 la Commissione Teologica Internazionale ha pubblicato un importante documento: *La reciprocità tra fede e sacramenti nell'economia sacramentale*. Questo documento è una presentazione di sei anni di lavoro degli esperti sull'esplorazione del rapporto tra fede e sacramenti. L'originale giustificazione teologica qui offerta per il peculiare ruolo della fede nella validità e nella fecondità di ciascun sacramento culmina in un certo modo nel focalizzare l'attenzione su un "ambito" ecclesicamente sensibile (*Ecclesia domestica*) — che è già annunciato dalle dichiarazioni introduttive, poste sotto il sottotitolo "urlante": *Fede e sacramenti: una reciprocità in crisi*. Si tratta di una seria proposta scientifica per l'ulteriore reintegrazione della dottrina del *sacramentum matrimonii*, con un approccio chiave al tema della dignità sacramentale del matrimonio — uno studio molto atteso, perché inserito nel contesto di due memorabili riunioni del Sinodo dei Vescovi nel 2014 e nel 2015.

L'elaborazione dell'ipotesi sulla validità della cesura titolare (2015—), che segna l'"era post-sinodale", ha dettato all'autore di questo studio — conseguentemente — un approfondimento di: come la Commissione Teologica Internazionale ha attuato *in concreto* gli appelli sinodali dei vescovi del 2014 — il primo appello (da *Instrumentum laboris della III Assemblea Generale Straordinaria* del Sinodo dei Vescovi): "si indica la necessità di approfondire la questione del rapporto tra fede e sacramento del matrimonio"; e il successivo appello (da *Relatio Synodi della III Assemblea Generale Straordinaria* del Sinodo dei Vescovi): "andrebbe considerata la possibilità di dare rilevanza al ruolo della fede dei nubendi in ordine alla validità del sacramento del matrimonio, tenendo fermo che tra battezzati tutti i matrimoni validi sono sacramento". Nelle considerazioni finali, l'autore risponde alla domanda che tormenta il canonista: si può presumere che il risultato del sessennio di lavoro della Commissione sia — importante per la canonistica e, soprattutto, utile per la giurisprudenza uniforme — una spiegazione della *questio dubia*: "battezzati non credenti" verso il sacramento del matrimonio?

Parole chiave: Sinodo dei Vescovi, Commissione Teologica Internazionale, Papa Benedetto XVI, rapporto tra fede e sacramenti, sacramento del matrimonio, sacramentalità dei matrimoni di "battezzati non credenti", giurisprudenza