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Ecclesia in Europa The Message of His Holiness Pope John Paul II about Marriage and Family

Abstract: For Pope John Paul II, marriage and the family constituted not only an ecclesiological, philosophical, and juridical-canonical concern of study and research, but also a pastoral missionary one, which was determined by his observations on the precarious social and juridical status of the two ancient institutions of humanity at the end of the second millennium.

The Pontiff's observations have been translated into concrete actions in the field of his pastoral work on marriage and the family, as well as in theological, philosophical and legal works, whose powerful ideas have influenced not only the doctrine of the Catholic Church, but have also had a beneficial impact on the policy of international decision-making bodies on the social and legal status of the two institutions, which we find in the international legal instruments.

In this regard, the text of the Apostolic Exhortation *Ecclesia in Europa*, published by Pope John Paul II in 2003, remains paradigmatic, in which the Roman Pontiff proclaimed that the source and hope of Europe, including for the two institutions, marriage and the family, is Jesus Christ alone, urging both the “Small Church,” that is, the family, and the “Great Church,” that is, the Church of all Christians, to witness to Him with faith and courage.

Keywords: conjugal communion, divine law, natural right, family rights

Introduction

Since the previous century marriage, hitherto perceived as “a natural form of social life,”¹ due to “the need to redefine the notion of marriage” imposed by “the sexual revolution”² has been undergoing transformation, which has brought with it the institutionalisation of four forms of marriage, namely “marriage, registered partnership, civil-law contract, and concubinage.”³

Christian jurists also point out that “the family is based on marriage,”⁴ which is “the natural institution to which the mission of transmitting new human life and the primary education of the children”⁵ is realised through “that intimate union of life in complementarity between one man and one woman.”⁶

As for the family, “as a natural society, exists prior to the state or any other community, and it possesses inherent rights which are inalienable owing to its foundational nature.”⁷

From the texts of the apostolic exhortations, encyclicals and messages of His Holiness Pope John Paul II, we also see that the Christian family is — but at a much-reduced sacral level — a lesser Church, namely a “domestic” Church, which has its basis and source in Jesus Christ.

Among other things, in his Apostolic Exhortation entitled *Ecclesia in Europa*,⁸ published on 28 June 2003, Pope John Paul II declared that Jesus Christ is “the source of hope for Europe” and that he wished to proclaim this hope “to all the Christians of Europe at the beginning of this third millennium.”⁹

Among the fundamental institutions of Europe, which have their source of hope in Jesus Christ, marriage and the family were expressly mentioned by the Roman Pontiff, who was eager to “faithfully proclaim

¹ K. JASIŃSKI: “Understanding of Marriage and the Concept of Natural Law.” *Nova prisutnost* 17/3 (2019), p. 458.

² Ibidem.

³ Ibidem, p. 447.

⁴ R. J. ARAUJO: “Natural Law and the Rights of the Family.” *Natural Law and the Rights of the Family* I (2010), p. 199.

⁵ Ibidem.

⁶ Ibidem.

⁷ Ibidem, p. 200.

⁸ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_20030628_ecclesia-in-europa.html [accessed 10.09.2024].

⁹ Ibidem, no. 1.

anew the truth,”¹⁰ that is, the truth which Jesus Christ has made known to us, and which our predecessors have also testified to us about the ancient institution of the mankind.

From a biblical point of view, marriage is an institution ordained by God,¹¹ with the creation of our forefathers, Adam and Eve (cf. Genesis 1: 27—28; Matthew 19:1—6; Genesis 24:1—61; Genesis 29:1—30), which through the Wedding at Cana of Galilee (cf. John 2: 1—10) — at which the bride and groom were of the same faith, namely, Christian — marriage was raised to the rank of a Holy Sacrament of the Church.¹²

In the New Testament, where the word “wedding” has both a figurative (cf. Matthew 22: 2—10; 25: 10; Luke 12: 36, 14: 8; Ephesians 5: 25—27; Revelation 19: 1—10) and a metaphorical meaning (cf. Matthew 1: 15; 22: 10; Luke 5: 34; Mark 2: 19), a second kind of marriage is also mentioned, namely marriage between a man and a woman, one of whom was a Christian and the other a non-Christian (cf. I Corinthians 7: 14; I Peter 3: 1). This kind of marriage is known as mixed marriage.¹³

According to the teaching of the Ecumenical Church (Eastern and Western), a family is established by a religious marriage between a man and a woman, namely, by the Holy Sacrament of Marriage, hence the phrase “Marriage is honourable among all” (Hebrews 13: 4) and “wedding garment” (Matthew 22: 11—12).

The elevation of marriage to the rank of a Sacrament meant that the institution of marriage went beyond its contractual character, which had been provided for by Roman law, according to which ‘the bond between a man and a woman’ (*vir et mulieris coniunctio*) (Justiniani Institutionis, lb. I, IX, 1)¹⁴ was permissible only if ‘Roman citizens’ (*cives romani*) entered into a *justas nuptias* (‘legitimate marriage’), that is, a marriage *secundum praecepta legum* (‘in accordance with the provisions of the law’) (Justiniani Institutionis, lb. I, X, *Praefatio*),¹⁵ the only marriage which, for the Roman world, was legally binding because of its contractual nature.

In this article, in section 1, I have presented the two institutions, marriage and the family, in the light of the Second Vatican Council’s doctrine

¹⁰ Ibidem, no. 90.

¹¹ N. V. DURĂ, P. KROCZEK, C. MITITELU: *Marriage from the Roman Catholic and Orthodox Points of View*. Kraków 2017, pp. 89—97.

¹² N. V. DURĂ: “About the Religious Marriage. From the Marriage by Confarreatio to the Marriage as Sacrament (μυστήριον/sacramentum).” *Ecumeny and Law* 11/2 (2023), pp. 29—60.

¹³ N. V. DURĂ: “Căsătoriile mixte în lumina învățaturii și a practicii canonice ortodoxe [Mixed marriages in the light of Orthodox canonical teaching and practice].” *Ortodoxia* XL/1 (1988), pp. 92—113.

¹⁴ *Corpus Iuris Civilis*. Vol. I. Eds. P. KRUEGER et al. Berlin 1895, p. 4.

¹⁵ Ibidem.

expressed in the Pastoral Constitution *Gaudium et spes* and in some documents of Pope John Paul II, such as the Apostolic Exhortation *Familiaris consortio* (22 November 1981), the Charter of the Rights of the Family (22 October 1983) and the Apostolic Epistle *Mulieris dignitatem* (15 August 1988).

In section 2, I have tried to present Pope John Paul II's conception of marriage and the family in the light of the text of some of his encyclicals and messages; and in section 3 I have made some considerations and reflections on the way in which the Pontiff perceived and defined the missionary role of the Church through the two institutions, marriage and the family, in the light of the text of the Apostolic Exhortation *Ecclesia in Europa* (28 June 2003).

All three sections of the article are the result of a hermeneutical analysis of the documentary texts mentioned in the above lines, which refer to marriage, the family, and the Church, and which have been accompanied by theological considerations and reflections based on biblical and ecclesiological testimonies in order to highlight the contribution that the Pontiff has made to proclaim “with renewed vigour what the Gospel teaches about marriage and the family,”¹⁶ as well as the contribution of His Holiness in activating and empowering the mission of the Church and the life of society through the *Ecclesia domestica* “Church in miniature,” that is, the members of a family community, and through the “larger Church,” so that Christian life may be renewed in the spirit of Christ's teaching.

In the Conclusions of the article I reiterate and emphasise the fact that, through the Apostolic Exhortation *Ecclesia in Europa*, Pope John Paul II confirmed and made explicit the teaching of the Catholic Church formulated at the Second Vatican Council — in which the Holy Father also took part — also with regard to the two fundamental institutions of humanity, marriage and the family, which also found privileged attention from the authors of the Code of Canon Law promulgated by the same Pontiff through the Apostolic Constitution *Sacrae disciplinae leges*.¹⁷

¹⁶ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 90.

¹⁷ Promulgated on 25 January 1983 by Pope JOHN PAUL II. See: *Codex Iuris Canonici*, https://www.vatican.va/archive/cod-iuris-canonici/cic_index_la.html [accessed 1.08.2024].

1. Marriage and Family in some texts of the Second Vatican Council and Pope John Paul II

1.1. Marriage and Family in the Second Vatican Council's Pastoral Constitution *Gaudium et spes*

A first document of the Second Vatican Council, which makes express reference to the two basic institutions of humanity, marriage and the family, was the Pastoral Constitution *Gaudium et spes*. And, according to a renown canonist of today's Catholic Church, *Gaudium et spes* has overcome "the Dualism between natural marriage and the Sacrament of matrimony."¹⁸

Pope John Paul II, who made explicit the Second Vatican Council's doctrine on the family in the light of what was enunciated in the Pastoral Constitution *Gaudium et spes*, not only overcame this dualism, but succeeded — through his apostolic exhortations, through his encyclicals and his messages — to make new contributions to the definition of the theology of the family, which has rightly earned him the title of "the Pope of the family," an institution which he presented with authority and competence "both theological, as well as legal and canonical."¹⁹

We can say that "no one other than the Pope of the Family,"²⁰ that is, Pope John Paul II, left us "a genuine interpretation of the conciliar teaching on the matrimony,"²¹ which he situated within the immanent framework of "the ecclesiological doctrine"²² of the family.

In the words of the same canonist, "the ecclesiological concept of the Second Vatican Council places Matrimony in the very centre of the theology of the Covenant,"²³ which "is a hermeneutical key to all Council teachings on marriage."²⁴

¹⁸ A. PASTWA: "*Gaudium et Spes*: An Enormous Step towards Overcoming the Dualism between Natural Marriage and the Sacrament of Matrimony." *Philosophy and Canon Law* 2 (2016), p. 203.

¹⁹ Ibidem, p. 205.

²⁰ Ibidem, p. 204.

²¹ Ibidem.

²² Ibidem.

²³ A. PASTWA: "Marriage Covenant in Catholic Doctrine: The Pastoral Constitution on the Church *Gaudium et Spes* — the Apostolic Exhortation *Familiaris Consortio* — the Code of Canon Law — the Code of Canons of the Eastern Churches." *Ecumeny and Law* 1 (2013), p. 95.

²⁴ Ibidem.

Andrzej Pastwa has also noted that, “due to the paradigm of the Covenant, introduced by the pastoral theological constitution,”²⁵ that is, *Gaudium et spes*, “it is increasingly difficult today to claim that the canonical marriage is a contract, all the more so as the application of the *contractus* term in reference to the sacramental bond seems to be problematic.”²⁶

Since in his exhortations, encyclicals, messages, and allocutions Pope John Paul II based his statements on marriage and the family on the doctrine formulated by the Second Vatican Council, a careful reading of the text of the Pastoral Constitution *Gaudium et spes*, which in fact summarises and clarifies the official teaching of the Catholic Church, in order to better understand the Roman Pontiff’s conception of the two human institutions governed by the norms of both *jus divinum* and *jus naturale*.

From the text of the Pastoral Constitution *Gaudium et spes*²⁷ promulgated by the Second Vatican Council on 7 December 1965 — in which express reference is made to the *dignitate matrimonii et familiae fovenda* ‘fostering the nobility of marriage and the family’²⁸ — the following cardinal points of the Catholic Church’s teaching of faith on the two fundamental institutions of humanity, marriage, and the family, can be gleaned:

- a) Marriage is an established institution “established by the Creator [...], and is rooted in the conjugal covenant of irrevocable personal consent”²⁹;
- b) Marriage “is not instituted solely for procreation; rather, [it is a] communion of life, and maintains its value and indissolubility”³⁰;
- c) “Christian spouses have a special sacrament by which they are fortified and receive a kind of consecration in the duties and dignity of their state”³¹;
- d) The Second Vatican Council wished “to foster the natural dignity of the married state” (*nativam status matrimonialis dignitatem*)³²;
- e) “God Himself is the author of matrimony” and have “a very decisive bearing on the continuation of the human race” (*pro generis humani continuatione*)³³;

²⁵ Ibidem, pp. 99—100.

²⁶ Ibidem, p. 100.

²⁷ VATICAN COUNCIL II: *Pastoral Constitution on the Church in the Modern World* “*Gaudium et spes*”, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html [accessed 1.09.2024].

²⁸ Ibidem, pt. II, ch. I.

²⁹ Ibidem, no. 48.

³⁰ Ibidem, no. 50.

³¹ Ibidem, no. 48.

³² Ibidem, no. 47.

³³ Ibidem, no. 48.

- f) As defined by the Second Vatican Council, the family “is the foundation of society” and “is a kind of school of deeper humanity”³⁴;
- g) The family also presupposes a ‘communion of minds’ (*animi comunicatio*) of the spouses, and a careful “co-operation of parents in the education of their children,”³⁵ to which Pope John Paul II added that the traditional family included “even the nephews”³⁶;
- h) By the Second Vatican Council’s Pastoral Constitution *Gaudium et spes*, the Family, which has been called an *Ecclesia domestica* since the pre-Nicaea era,³⁷ was also ascribed “dignity,” which Pope John Paul II considered to be a consequence of the “invincible bond that exists between the Church and the Family.”³⁸

1.2. Marriage and family in the Apostolic Exhortation *Familiaris consortio*

In 1981, Pope John Paul II published the Apostolic Exhortation *Familiaris consortio*, which has been considered “the most important post-conciliar document of the papal *de matrimonio ac familia magisterium*,”³⁹ in which the covenant is an integral part of the act of the Sacrament of Matrimony.

Catholic canonists have also noted that Pope John Paul II reaffirmed therein the theology of the Second Vatican Council also with regard to marriage when he expressly referred to the *foedus amoris coniugal*is (‘the covenant of conjugal love’)⁴⁰ in the Second Vatican Council’s Pastoral Constitution *Gaudium et spes*, in which “the Christian spouses’ covenant [...] is an act of Mystery, which takes place in the bodily dimension of the personal ‘I’.”⁴¹

³⁴ Ibidem, no. 52.

³⁵ Ibidem.

³⁶ JOHN PAUL II: *Address at the World Meeting with Families* (8.10.1994), https://www.vatican.va/content/john-paul-ii/it/speeches/1994/october/documents/hf_jp-ii_spe_19941008_incontro-famiglie.html#:~:text=Ogni%20famiglia%20porta%20una%20luce,Cari%20sposi%2C%20cari%20genitori! [accessed 1.08.2024].

³⁷ Ibidem.

³⁸ Ibidem.

³⁹ A. PASTWA: “The Right to Found a Family and the Right to Parenthood Remarks on Articles 2 and 3 of the Charter of the Rights of the Family.” *Ecumeny and Law* 2 (2014), p. 171.

⁴⁰ A. PASTWA: “Marriage Covenant in Catholic Doctrine...,” p. 103.

⁴¹ A. PASTWA: “*Gaudium et Spes*...,” p. 214.

Concerning the phrase “the covenant of conjugal love,” which is expressly mentioned in the text of the Apostolic Exhortation *Familiaris consortio*, Catholic canonists have also noted that it “brings the truth that is, unfortunately, not always promoted in Catholic theology and canon law, on mainly, the moment of formation of the unbreakable ‘unity of the two’. The true creator of marriage is — each time and invariably — the Triune God Himself. It is He who endows the man and woman with the Grace of vocation to marriage and invites them to the Covenant of love with Himself; a Covenant built upon the foundation of a conscious and free choice made by the nupturients, expressed in the act of marital consent.”⁴²

In the view of Pope John Paul II, “the marriage and the family constitute one of the most precious of human values,”⁴³ and, consequently, the Roman Pontiff considered that the Church must “to speak and offer her help to those who are already aware of the value of marriage and the family and seek to live it faithfully, to those who are uncertain and anxious and searching for the truth, and to those who are unjustly impeded from living freely their family lives.”⁴⁴

Reiterating the teaching of faith of his Church, Pope John Paul II stated that, “by virtue of the sacramentality of their marriage, spouses are bound to one another in the most profoundly indissoluble manner. Their belonging to each other is the real representation, by means of the sacramental sign, of the very relationship of Christ with the Church.”⁴⁵

The Pontiff mentioned that “according to the plan of God, marriage is the foundation of the wider community of the family, since the very institution of marriage and conjugal love are ordained to the procreation and education of children, in whom they find their crowning.”⁴⁶

As for the procreation of children, which makes parents “capable of the greatest possible gift, the gift by which they become co-operators with God for giving life to a new human person,”⁴⁷ Roman Pontiff was keen to point out that “even when procreation is not possible, conjugal life does not for this reason lose its value. Physical sterility in fact can be for spouses the occasion for other important services to the life of the human

⁴² A. PASTWA: *Marriage Covenant in Catholic Doctrine...*, p. 105.

⁴³ JOHN PAUL II: *Apostolic Exhortation “Familiaris consortio”*, https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html, no. 1 [accessed 4.09.2024].

⁴⁴ Ibidem.

⁴⁵ Ibidem, no. 13.

⁴⁶ Ibidem, no. 14.

⁴⁷ Ibidem.

person, for example, adoption, various forms of educational work, and assistance to other families and to poor or handicapped children.”⁴⁸

Regarding the role of the Christian family, Pope John Paul II recalled that the Synod of Bishops meeting in Rome from 26 September to 25 October 1980 “emphasised four general tasks for the family: 1) forming a community of persons; 2) serving life; 3) participating in the development of society; 4) sharing in the life and mission of the Church.”⁴⁹

Referring to the first obligation for the family, defined as “a community of persons: of husband and wife, of parents and children, of relatives,”⁵⁰ the Pontiff states that it is “to live with fidelity the reality of communion in a constant effort to develop an authentic community of persons.”⁵¹

According to the Roman Pontiff, “the indivisible unity of conjugal communion [...] which is established and which develops between husband and wife.”⁵² This unity or “conjugal communion is characterised not only by its unity but also by its indissolubility,”⁵³ which “finds its ultimate truth in the plan that God has manifested in His revelation,”⁵⁴ which consists “in generous obedience to the holy will of the Lord: ‘What therefore God has joined together, let not man put asunder’.”⁵⁵

Hence the fact that, according to the Pontiff, “to bear witness to the inestimable value of the indissolubility and fidelity of marriage is one of the most precious and most urgent tasks of Christian couples in our time.”⁵⁶

In this apostolic exhortation, Pope John Paul II also emphasised the rights and role of women in the family and in society, hence his exhortation to highlight “the equal dignity and responsibility of women with men,”⁵⁷ because “in creating the human race ‘male and female’, God gives man and woman an equal personal dignity, endowing them with the inalienable rights and responsibilities proper to the human person.”⁵⁸

From the same apostolic exhortation, we note that God has highlighted “the dignity of women in the highest form possible, by assuming human flesh from the Virgin Mary, whom the Church honours as the

⁴⁸ Ibidem.

⁴⁹ Ibidem, no. 17.

⁵⁰ Ibidem, no. 18.

⁵¹ Ibidem.

⁵² Ibidem, no. 19.

⁵³ Ibidem, no. 20.

⁵⁴ Ibidem.

⁵⁵ Ibidem.

⁵⁶ Ibidem.

⁵⁷ Ibidem, no. 22.

⁵⁸ Ibidem.

Mother of God, calling her the new Eve and presenting her as the model of redeemed woman.”⁵⁹

Then, the same Roman Pontiff remembered about “the sensitive respect of Jesus towards the women that He called to His following and His friendship, His appearing on Easter morning to a woman before the other disciples, the mission entrusted to women to carry the good news of the Resurrection to the apostles—these are all signs that confirm the special esteem of the Lord Jesus for women.”⁶⁰

On the same occasion, Pope John Paul II also mentioned some “offenses against women’s dignity,”⁶¹ such as “slavery, [...], pornography, prostitution — especially in an organised form — and all those various forms of discrimination that exist in the fields of education, employment, wages, etc.”⁶²

In this regard, the Holy Father has not hesitated to recall that “many forms of degrading discrimination still persist today in a great part of our society that affect and seriously harm particular categories of women, as for example childless wives, widows, separated or divorced women, and unmarried mothers.”⁶³

Pope John Paul II also emphasised that, within the family, the elderly “continue to be present and to take an active and responsible part in family life,”⁶⁴ and that “above all they carry out the important mission of being a witness to the past and a source of wisdom for the young and for the future.”⁶⁵

Bearing this reality in mind, the Pontiff Roman considered that “the pastoral activity of the Church must help everyone to discover and to make good use of the role of the elderly within the civil and ecclesial community, in particular within the family.”⁶⁶

As far as married people are concerned, they are called “to progress unceasingly in their moral life, with the support of a sincere and active desire to gain ever better knowledge of the values enshrined in and fostered by the law of God.”⁶⁷

This unceasing progress of spouses in their moral life, however, requires “reflection, instruction and suitable education on the part of the

⁵⁹ Ibidem.

⁶⁰ Ibidem.

⁶¹ Ibidem, no. 24.

⁶² Ibidem.

⁶³ Ibidem.

⁶⁴ Ibidem, no. 27.

⁶⁵ Ibidem.

⁶⁶ Ibidem.

⁶⁷ Ibidem, no. 34.

priests, religious and lay people engaged in family pastoral work: they will all be able to assist married people in their human and spiritual progress, a progress that demands awareness of sin, a sincere commitment to observe the moral law, and the ministry of reconciliation.”⁶⁸

Regarding the duty of parents in the education of young married couples, “that the most basic element, so basic that it qualifies the educational role of parents, is parental love,”⁶⁹ to which is added their obligation to “help the young not to depart from the faith.”⁷⁰

Speaking also of a the Charter of Family Rights, Pope John Paul II stated that “the Church openly and strongly defends the rights of the family against the intolerable usurpations of society and the State,”⁷¹ which also led the 1980 Synod of Bishops to nominate family rights, among which we recall: “1. the right of every human being, [...], to found a family and to have adequate means to support it; 2. the right to exercise its responsibility regarding the transmission of life and to educate children [...]; 3. the right to the intimacy of conjugal and family life [...]; 4. the right to believe in and profess one’s faith and to propagate it; 5. the right to bring up children in accordance with the family’s own traditions and religious and cultural values [...]; 6. the right to housing suitable for living family life in a proper way [...], 7. the right to emigrate as a family in search of a better life etc.”⁷²

Referring to the Church’s mission towards the family, the Roman Pontiff said that “the Church reveals to the Christian family its true identity, what it is and should be according to the Lord’s plan; by celebrating the sacraments, the Church enriches and strengthens the Christian family with the grace of Christ for its sanctification.”⁷³

The sacramental celebration of marriage is perceived and defined by the Holy Father as being “a proclamation of the word of God, [...], be a ‘profession of faith’ within and with the Church, [...], This profession of faith demands that it be prolonged in the life of the married couple and of the family.”⁷⁴

Pope John Paul II also referred to “The Church’s Sanctuary in the Home,”⁷⁵ and pointed out that “by means of the sacrament of marriage, in which it is rooted and from which it draws its nourishment, the

⁶⁸ Ibidem.

⁶⁹ Ibidem, no. 36.

⁷⁰ Ibidem, no. 40.

⁷¹ Ibidem, no. 46.

⁷² Ibidem.

⁷³ Ibidem, no. 49.

⁷⁴ Ibidem, no. 51.

⁷⁵ Ibidem, no. 55.

Christian family is continually vivified by the Lord Jesus and called and engaged by Him in a dialogue with God through the sacraments, through the offering of one's life, and through prayer."⁷⁶

The Pontiff also recalls that "the Christian family's sanctifying role is grounded in Baptism and has its highest expression in the Eucharist, to which Christian marriage is intimately connected,"⁷⁷ and that "the Eucharist is the very source of Christian marriage."⁷⁸

About "Family Prayer,"⁷⁹ Pope John Paul II states that it "has for its very own object family life itself, which in all its varying circumstances is seen as a call from God and lived as a filial response to His call."⁸⁰ Therefore, "Christian parents have the specific responsibility of educating their children in prayer, introducing them to gradual discovery of the mystery of God and to personal dialogue with Him."⁸¹

As for the purpose "of the prayer of the domestic Church," that is, of the members of a family, the Pope affirms that it "is to serve as the natural introduction for the children to the liturgical prayer of the whole Church, both in the sense of preparing for it and of extending it into personal, family and social life. Hence the need for gradual participation by all the members of the Christian family in the celebration of the Eucharist, especially on Sundays and feast days, and of the other sacraments, particularly the sacraments of Christian initiation of the children."⁸²

Pope John Paul II did not omit that "more than ever necessary in our times is preparation of young people for marriage and family life,"⁸³ and that the ministers of the Altar have the obligation to make young people aware of "the Church's discipline regarding free consent, impediments, the canonical form and the actual rite of the celebration may be faithfully observed,"⁸⁴ which implies familiarising them with the norms of the Code of Canon Law of the Catholic Church.

On the same occasion, the Pontiff also referred to the pastoral care that priests must provide "after marriage [...] especially for young families."⁸⁵ According to the Holy Father, this assistance should also be given to the families of migrant workers, those in prison, refugees and exiles, homeless families, incomplete or single-parent families, "families with children

⁷⁶ Ibidem.

⁷⁷ Ibidem, no. 57.

⁷⁸ Ibidem.

⁷⁹ Ibidem, no. 59.

⁸⁰ Ibidem.

⁸¹ Ibidem, no. 60.

⁸² Ibidem, no. 61.

⁸³ Ibidem, no. 66.

⁸⁴ Ibidem, no. 67.

⁸⁵ Ibidem, no. 69.

that are handicapped or addicted to drugs; the families of alcoholics; families that have been uprooted from their cultural and social environment or are in danger of losing it; families discriminated against for political or other reasons; families that are ideologically divided; families that are unable to make ready contact with the parish; families experiencing violence or unjust treatment because of their faith; teenage married couples [...].”⁸⁶

About the so-called trial marriages, “which many people today would like to justify by attributing a certain value to them,”⁸⁷ Pope John Paul II states that “human reason leads one to see that they are unacceptable, by showing the unconvincing nature of carrying out an ‘experiment’ with human beings, whose dignity demands that they should be always and solely the term of a self-giving love without limitations of time or of any other circumstance.”⁸⁸

As for the Catholics who, “for ideological or practical reasons, prefer to contract a merely civil marriage, and who reject or at least defer religious marriage,”⁸⁹ the Roman Pontiff said that “not even this situation is acceptable to the Church.”⁹⁰

To people who have divorced and not remarried, Pope John Paul II told them that the valid marriage bond is indissoluble,⁹¹ and that they should therefore refrain getting involved in a new union,⁹² and devote themselves “solely to carrying out their family duties and the responsibilities of Christian life,”⁹³ considering it necessary “for the Church to offer continual love and assistance, without there being any obstacle to admission to the sacraments.”⁹⁴

As for divorced people who have remarried, but “not with a Catholic religious ceremony,”⁹⁵ the Holy Father asked the Church’s priests “to exercise careful discernment of situations. There is in fact a difference between those who have sincerely tried to save their first marriage and have been unjustly abandoned, and those who through their own grave fault have destroyed a canonically valid marriage.”⁹⁶

Hence his earnest appeal to the priests of the Church “and the whole community of the faithful to help the divorced, and with solicitous care

⁸⁶ Ibidem, no. 77.

⁸⁷ Ibidem, no. 80.

⁸⁸ Ibidem.

⁸⁹ Ibidem, no. 82.

⁹⁰ Ibidem.

⁹¹ Ibidem, no. 83.

⁹² Ibidem.

⁹³ Ibidem.

⁹⁴ Ibidem.

⁹⁵ Ibidem, no. 84.

⁹⁶ Ibidem.

to make sure that they do not consider themselves as separated from the Church [...]. They should be encouraged to listen to the word of God, to attend the Sacrifice of the Mass, to persevere in prayer, [...], to bring up their children in the Christian faith, to cultivate the spirit and practice of penance [...]. However, the Church reaffirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried,”⁹⁷ since, if “these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church’s teaching about the indissolubility of marriage.”⁹⁸

Finally, the Holy Father concluded that “for those who have no natural family the doors of the great family which is the Church [...]. No one is without a family in this world: the Church is a home and family for everyone.”⁹⁹

1.3. Charter of Family Rights

On 22 October 1983, the Holy See¹⁰⁰ — then led by Pope John Paul II (1978—2005) — presented the Charter of the Rights of the Family.¹⁰¹

According to the Charter, addressed “to all persons, institutions and authorities concerned with the mission of the family in today’s world,”¹⁰² “the family is based on marriage,” defined as “that intimate union of life in complementarity between a man and a woman which is constituted in the freely contracted and publicly expressed indissoluble bond of matrimony and is open to the transmission of life.”¹⁰³

⁹⁷ Ibidem.

⁹⁸ Ibidem.

⁹⁹ Ibidem, no. 85.

¹⁰⁰ According to the Code of Canon Law, “the Apostolic See or Holy See includes not only the Roman Pontiff, but also — unless the nature of the thing or the context otherwise indicates — the Secretariat of State. The term Apostolic See or Holy See refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter or the context of the words” (canon 361), https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib2-cann330-367_en.html.

¹⁰¹ Charter of the Rights of the Family, https://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_19831022_family-rights_en.html [accessed 14.09.2024].

¹⁰² Ibidem.

¹⁰³ Ibidem, Preamble B.

The Preamble expresses the following two principles: a) “marriage is the natural institution to which the mission of transmitting life is exclusively entrusted”¹⁰⁴; b) “the family, a natural society, exists prior to the State or any other community, and possesses inherent rights which are inalienable.”¹⁰⁵

Therefore, according to the teaching expressed in the text of the Charter of the Rights of the Family, marriage is a natural institution, and the family is “a natural society.” Both are therefore governed by natural moral law, which is the source of natural law and Christian morality.¹⁰⁶ Since marriage is therefore governed by the rules of natural law, it follows that the rights inherent in the family are also inalienable.

Regarding marriage, Article 1 of the Charter stipulates that it can be contracted by “a man and a woman” only if they fulfil the following two indispensable conditions: a) the legal age for marriage; b) the free and full consent of the intending spouses.

As for the rights of those who wish to marry, the Charter lists the following:

- a) “The right to expect from society the moral, educational, social and economic conditions which will enable them to exercise their right to marry in all maturity and responsibility”¹⁰⁷;
- b) “The right to their religious liberty”¹⁰⁸ of the future spouses;
- c) The right of spouses (man and woman) to enjoy “the same dignity and equal rights regarding the marriage”¹⁰⁹;
- d) Right of spouses “to decide on the spacing of births and the number of children to be born.”¹¹⁰

According to the Church’s teaching, procreation is not just a natural right, but first and foremost “God’s original gift to mankind,”¹¹¹ as confirmed by the biblical texts, which tell us that God blessed Adam and Eve and said to them “be fruitful and multiply and fill the earth” (Genesis 1: 22, 28).

¹⁰⁴ Ibidem, Preamble C.

¹⁰⁵ Ibidem, Preamble D.

¹⁰⁶ N. V. DURĂ: “Loi morale, naturelle, source du Droit naturel et de la Morale chrétienne.” In: *La morale au crible des religions*. Coord. M. TH. URVOY. Paris 2013, pp. 213—233.

¹⁰⁷ Charter of the Rights of the Family..., Art. 1, B.

¹⁰⁸ Ibidem, Art. 2, B.

¹⁰⁹ Ibidem, Art. 2, C.

¹¹⁰ Ibidem, Art. 3.

¹¹¹ A. J. WALKER: “‘What God Has Conjoined, Let No Man Put Asunder’: A Meditation on Fruitfulness, Fidelity, and the Conjugal Embrace.” *Communio: International Catholic Review* 41 (2014), p. 373.

This has led some Catholic theologians to assert that “God’s original intention for sexuality is written into the very pattern of our male and female bodies,”¹¹² which shows that the claim that the sexual relationship of our proto-parents, Adam and Eve, was the sin of concupiscence, is the result of an ignorance of some aspects of the original meaning of sexuality as expressed in the revealed biblical text.

It was not, therefore, by this divine gift of procreation, by which the human race was multiplied, that sin entered the world, but by the use of the sexual act for purposes other than that of human procreation within the limits imposed by divine law and the natural moral law, namely, those dictated by the inclinations to fleshly pleasures, jointly classified as concupiscence.

- e) As for abortion, the Charter of the Rights of the Family tells us that it is “a direct violation of the fundamental right to life of the human being”¹¹³ and, as such, there is no natural or religious-moral justification for it;
- f) The right of parents “to educate their children in conformity with their moral and religious convictions”¹¹⁴;
- g) The divorce of spouses is in fact an attack on “the very institution of marriage and of the family,”¹¹⁵ because there is no right of spouses to divorce provided by divine law or natural moral law;
- h) The rights of migrant families must also be respected with regard to marriage and family, and that they rejoice “the same protection as that accorded other families.”¹¹⁶ The right of migrants¹¹⁷ and their families has also been recognised in the main international instruments;
- i) “Refugees have the right to the assistance of public authorities and International Organisations in facilitating the reunion of their families”¹¹⁸;
- j) Refugees also enjoy — like migrants — the right to freedom of religion.¹¹⁹

It is therefore clear from the text of the Charter? that its statements on marriage — and particularly on the family — were intended to clarify and bring up to date the Second Vatican Council’s doctrine

¹¹² Ibidem.

¹¹³ Charter of the Rights of the Family..., Art. 4.

¹¹⁴ Ibidem, Art. 5, A.

¹¹⁵ Ibidem, Art. 6, B.

¹¹⁶ Ibidem, Art. 12.

¹¹⁷ N. V. DURĂ: “The Legal Status of ‘Migrants’ according to the European Union Legislation.” *Ecumeny and Law* 9/2 (2021), pp. 105—123.

¹¹⁸ Charter of the Rights of the Family..., Art. 12, C.

¹¹⁹ N. V. DURĂ: “The Right to Religion: Some Considerations of the Principal International and European Juridical Instruments.” In: *Religion and Equality. Law in Conflict*. Eds. W. C. DURHAM JR., D. THAYER. London—New York, 2016, pp. 15—24.

on the two basic institutions of human society, and also of the Church. This *aggiornamento* of the Catholic Church's teaching on marriage and the family was of course due to the initiative and endeavours of the Roman Pontiff, Pope John Paul II, who has also proved himself to be a "defender of the family."

As Andrzej Pastwa remarked "the rights included in the Charter arise from that law which is inscribed by the Creator in the heart of every human being."¹²⁰ This is natural law, based on which "the medieval canonists integrated various aspects of religious and secular thought to create a natural law theory of marriage."¹²¹

According to the statements of some jurists, the doctrine of natural law "has played such a central historical role in defining the institution of marriage in our society,"¹²² since in natural law we find not only "a social dimension of human rights," but also a philosophical one, as confirmed by "the philosophical writings of Karol Wojtyła."¹²³

It has also been noted that "the teachings of Saint John Paul II in connection with the family in general and the Charter of the Rights of the Family in particular focus on the social dimension of human rights in the hermeneutic key of natural law and the common good."¹²⁴

In the Charter of the Rights of the Family we also find concepts of human rights laid down in both *jus divinum* and *jus naturale*, for which other clerics of the Catholic Church had once campaigned. One of the main human rights, provided for by both *jus divinum* and *jus naturale*, is also the right of every person to have a religious faith and to profess it. The "thirteen theologians and jurists" from the University of Salamanca — led by the Dominican monk Bartolomé de las Casas (1484—1566) — who, in their Memoir to the Royal Court, emphasised "the rational capacity of the Indians"¹²⁵ and "their freedom to receive the Gospel"¹²⁶ by catechising the indigenous population, including children, also campaigned for this right to be respected.

¹²⁰ A. PASTWA: "The Right to Found a Family...", p. 172.

¹²¹ J. J. COUGHLIN: "Natural Law, Marriage, and the Thought of Karol Wojtyła." *Fordham Urban Law Journal* 28/6 (2001), p. 1774.

¹²² Ibidem, p. 1786.

¹²³ Ibidem.

¹²⁴ C. A. G. MAINO: "John Paul II's Charter of the Rights of the Family. The Social Dimension of Human Rights in Light of Natural Law." *Warszawskie Studia Teologiczne* XXXVI/2 (2023), p. 242.

¹²⁵ D. LANTIGUA: "A Lost Charter on Human Rights, c. 1517—1520," <https://sites.nd.edu/schoolofsalamanca/2011/07/07/a-lost-charter-on-human-rights-c-1517-1520/> [accessed 24.09.2024].

¹²⁶ Ibidem.

Bartolomé de las Casas' memoir has the value of a Charter of Human Rights, which was "a major building block in the history of human rights,"¹²⁷ and at the same time a source of inspiration for fundamental human rights¹²⁸ activists and artisans both from Europe and other parts of the world during the centuries.

1.4. Marriage and Family in the Apostolic Epistle *Mulieris dignitatem*

The Apostolic Epistle *Mulieris dignitatem*,¹²⁹ published on 15 August 1988, is Pope John Paul II's eulogy in praise of the dignity and vocation of women on the occasion of the Marian Year 1987.

In the biblical text, both Old and New Testament, we find "two female figures, *Eve* and *Mary*,"¹³⁰ who are "joined under the *name of* woman."¹³¹ Eve is the name of the ancestor of the human race, namely of the first woman created by God. This name was given by "Adam [...] formed first" (I Timothy 2: 13), the one from whom she was made, that is, from "man," which in Hebrew is called *iṣ*, and woman is called *iṣa*.

This lexical derivation attests to the fact that Eve was called 'woman' (*iṣa*) because "she was taken from man" (Genesis 2: 23). Moreover, biblical scholars also confirm that it was Adam, the first man, who named his woman Eve (*Hawa*), derived from the verb *haiah* = 'to be alive', hence the noun "life," since Eve means "life," as she was destined to give life and to be "the mother of all those who lived" (Genesis 3: 20). In other words, the woman *yisha* has "the gift of procreation, of giving birth, of giving life,"¹³² hence her generic name Eve.

Regarding the name Eve, Pope John Paul II made it clear that, "in biblical language this name indicates her essential identity with regard to man — '*is-issah*' — something which unfortunately modern languages in

¹²⁷ Ibidem.

¹²⁸ A. CIUCĂ: *Mozaic de drept internațional și drepturile omului* [Mosaic of international law and human rights]. 2024, pp. 91—104; A. CIUCĂ: "Human Rights in the Era of Globalization." *Buletinul Științific al UMK* 20 (2011), pp. 53—62.

¹²⁹ JOHN PAUL II: Apostolic Letter *Mulieris dignitatem*, https://www.vatican.va/content/john-paul-ii/en/apost_letters/1988/documents/hf_jp-ii_apl_19880815_mulieris-dignitatem.html [accessed 12.09.2024].

¹³⁰ Ibidem, no. 11.

¹³¹ Ibidem.

¹³² I. MIRCEA: *Dicționar al Noului Testament* [Dictionary of the New Testament]. Bucharest 1995, p. 157.

general are unable to express: 'She shall be called woman (*'issah*) because she was taken out of man (*'is*): *Gen. 2:23*."¹³³

From the theological point of view, it can indeed be said that Eve "fits into the perspective of the Redemption. The comparison of Eve with Mary can be understood also in the sense that *Mary assumes* in herself and embraces the *mystery of the 'woman'* whose beginning is Eve, 'the mother of all the living' (*Gen 3: 20*). First of all, she assumes and embraces it within the mystery of Christ, 'the new and the last Adam' (cf. *1 Cor. 15:45*), who assumed in his own person the nature of the first Adam."¹³⁴

As for Mary, the mother of God, the biblical text tells us that she is the one through whom "God sent forth his son, born of woman" (*Galatians 4: 4*). Therefore, the Blessed Virgin Mary, who has been granted "*a union with God that exceeds* all the expectations of the human spirit,"¹³⁵ remains "the representative and the archetype of the whole human race: she *represents the humanity* which belongs to all human beings, both men and women."¹³⁶ Moreover, one can indeed say that "in *Mary, Eve discovers* the nature of the true dignity of woman, of feminine humanity."¹³⁷

The same biblical text "provides sufficient bases for recognising the essential equality of man and woman from the point of view of their humanity."¹³⁸ In the spirit of this assertion, Pope John Paul II also identified — in the biblical text — "*many other women, of different ages and conditions*,"¹³⁹ including the Myrrh-bearing women, who were "the firsts at the tomb,"¹⁴⁰ that is "the firsts eyewitness of the Risen Christ,"¹⁴¹ and "the first to bear witness to him before the Apostles."¹⁴²

From the text of *Ephesians 5: 28*, "husbands should love their wives," the Holy Father also identifies "a fundamental *affirmation of the woman* as a person."¹⁴³ Moreover, from reading the biblical text, the Pontiff also noted that "God entrusts the human being to her in a special way,"¹⁴⁴ which in fact emphasises "women's dignity and vocation,"¹⁴⁵ that is, the birth of children, hence the name we can give her, that of "life-giver."

¹³³ JOHN PAUL II: Apostolic Letter *Mulieris dignitatem*, no. 6.

¹³⁴ Ibidem, no. 11.

¹³⁵ Ibidem, no. 3.

¹³⁶ Ibidem, no. 4.

¹³⁷ Ibidem, no. 11.

¹³⁸ Ibidem, no. 6.

¹³⁹ Ibidem, no. 13.

¹⁴⁰ Ibidem, no. 16.

¹⁴¹ Ibidem.

¹⁴² Ibidem.

¹⁴³ Ibidem, no. 24.

¹⁴⁴ Ibidem, no. 30.

¹⁴⁵ Ibidem.

Finally, in his reflections on the dignity and vocation of women, Pope John Paul II concludes that “human history have been accomplished in and through her,”¹⁴⁶ that is, through woman, through whom God sent his Son, born of the Holy Spirit and the Virgin Mary.

2. Pope John Paul II’s views on Marriage and Family expressed in encyclicals, letters, and messages between 1981 and 2003

2.1. Introductory remarks

In order to portray Pope John Paul II’s conception of marriage and the family, in the following sections we will examine the texts of an encyclical, a letter, and a papal address in order to highlight both the way in which Roman Pontiff perceived and expressed the Second Vatican Council’s doctrine on marriage and the family, and his personal theological and pastoral-canonical contribution to the two institutions.

As will be seen from the text of these documentary testimonies, Pope John Paul II, through his pastoral and conceptual-theological approach, reaffirmed the doctrine of the Second Vatican Council, and offered the Church and the Christian world a renewed clarification of the basis and role of the two institutions of human society.

2.2. Encyclical *Centesimus annus*

From the text of the Encyclical *Centesimus annus*,¹⁴⁷ published on 1 May 1991 on the occasion of the centenary of the Encyclical of Pope Leo XIII, entitled *Rerum novarum* (New things), it can be seen that the Pontiff continued the scientific and pastoral approach of his predecessor, but also made some personal contributions, substantial, ecclesiological and theological doctrinal contributions on marriage and the family, which, however, remain within the matrix of the traditional teaching of

¹⁴⁶ Ibidem, no. 31.

¹⁴⁷ JOHN PAUL II: *Encyclical Letter “Centesimus annus”*, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html [accessed 11.09.2024].

the Catholic Church, that is to say, they have remained *in eadem substantiam* of the Apostolic and Patristic Tradition of the Ecumenical Church.

It can be said that, on the one hand, Pope John Paul II's clarifications and explanations sought only to confirm the Second Vatican Council's doctrine on the two institutions of marriage and the family, and on the other hand, Pontiff sought to adapt the Church's doctrine to the pastoral-missionary approach required by the realities of his time, which would culminate in a theological reference document published in 2003, *Ecclesia in Europa*.

With regard to marriage and the family, among the contributions that Pope John Paul II made in his Encyclical *Centesimus annus*, we have noted and emphasised the following: a) "the right to life, an integral part of which is the right of the child to develop in the mother's womb from the moment of conception"¹⁴⁸; b) "the right to live in a united family and in a moral environment conducive to the growth of the child's personality"¹⁴⁹; c) the need to promote "family policies" and "social policies," which have the family as their main object, and which should be realised by ensuring and "providing adequate resources and efficient means of support, both for bringing up children and for looking after the elderly, so as to avoid distancing the latter from the family unit and in order to strengthen relations between generations."¹⁵⁰

2.3. Letter *Gratisimam sane*

From the text of the Letter *Gratisimam sane* — which Pope John Paul II addressed to Christian families on 2 February 1994, on the occasion of the anniversary of *the Year of the Family* — we have taken some words of teaching, which have their basis both in the text of Holy Scripture and in the doctrine of the Catholic Church on marriage and family, namely:

- a) that God is the source of all creation (cf. Ephesians 3: 14—16), including the creation of man and woman (cf. Genesis 1: 27); b) that the birth, motherhood, and fatherhood are acts blessed by God¹⁵¹;

¹⁴⁸ Ibidem, no. 47.

¹⁴⁹ Ibidem.

¹⁵⁰ Ibidem, no. 49.

¹⁵¹ JOHN PAUL II: *Letter to Families "Gratisimam sane"*, https://www.vatican.va/content/john-paul-ii/en/letters/1994/documents/hf_jp-ii LET_02021994_families.html, no. 6 [accessed 17.09.2024].

- c) that “a person normally comes into the world within a family,” to which he owes “the very fact of his existing as an individual,”¹⁵² and that “a person goes forth from the family in order to realize in a new family unit his particular vocation in life”¹⁵³;
- d) that marriage generates “a particular responsibility for the common good, first of the spouses and then of the family”¹⁵⁴;
- e) that a family is founded by the marriage of a man and a woman (cf. Genesis 1: 27; Genesis 2: 24; Matthew 19: 8), which also reveals that since “at the very origins of human society” there has been both a “primordial duality” and “the qualities of communion and of complementarity”¹⁵⁵;
- f) that the family is “the first and basic expression of man’s social nature,” and “the smallest and most basic human community” which is expressed by “the personal contribution of a man and a woman”¹⁵⁶;
- g) that “the family is a community of particularly intense interpersonal relationships: between spouses, between parents and children, between generations”¹⁵⁷;
- h) that through the fourth commandment of the Decalogue, which obliges you “to honour your father and your mother” (Deuteronomy 6: 5; Matthew 22: 37), we are reminded that “the parents are the ones who gave you life, who introduced you to human existence in a particular family line, nation and culture. After God, they are your first benefactors.”¹⁵⁸

From the Epistle of the Apostle Paul to the Ephesians (cf. Ephesians 6: 1—4), we learn that the fourth commandment of the Decalogue also refers to “the implicit commitment of mutual respect between husband and wife, between parents and children, and he recognizes in it the principle of family stability.”¹⁵⁹

- i) An essential note of the family and the Church is the preparation of young people for marriage¹⁶⁰;
- j) that through the Wedding at Cana of Galilee (cf. John 2: 1—11) “Jesus shows to what extent the fatherhood and the love of God are reflected in the love of a man and a woman united in marriage,” and at the

¹⁵² Ibidem, no. 2.

¹⁵³ Ibidem.

¹⁵⁴ Ibidem, no. 12.

¹⁵⁵ Ibidem, no. 6.

¹⁵⁶ Ibidem, no. 7.

¹⁵⁷ Ibidem, no. 15.

¹⁵⁸ Ibidem.

¹⁵⁹ Ibidem, no. 19.

¹⁶⁰ Ibidem, no. 16.

same time clearly shows us “to what extent the truth about the family is part of God’s Revelation and the history of salvation.”¹⁶¹

- k) According to the Pontiff, “marriage and family are a true vocation which comes from God himself and is an apostolate: the apostolate of the laity.”¹⁶²
- l) According to Jesus, the sixth commandment of the Decalogue defends “the traditional solidity of marriage and the family,” which also saves “the holiness of marriage and of the family.”¹⁶³ It is therefore not by chance that Jesus went to the very source of the sin of adultery, that is, to the lust that dwells in the human heart (cf. Matthew 5: 27—28).

2.4. Address of Pope John Paul II at the World Congress of Families on 14 October 2000

In his address to the third meeting of the World Congress of Families, the Pope also recalled that Jesus asked “his disciples to have a child’s heart (cf. Mk. 10: 13—16),”¹⁶⁴ because “the kingdom of God” is for children (Mark 10: 14), and that “whoever does not receive the kingdom of God like a little child,” that is, with a heart as pure as a child’s, “will never enter” (Mark 10: 15) it.

In many regions, and paradoxically so, in the most prosperous countries, bringing children into the world has become a decision taken with great hesitation, well beyond that prudence which is necessarily required for responsible procreation. It could be said that at times children are seen as more of a threat than a gift.

Pope John Paul II noted that it is sad “for a child to have to divide his love between parents in conflict! So many children will always bear the psychological scar of the suffering that their parents’ separation caused them.”¹⁶⁵

That is why the Pontiff urges us “let us commit all our forces to defending the value of the family and respect for human life from the moment of conception. These are values which belong to the basic ‘grammar’ of

¹⁶¹ Ibidem, no. 18.

¹⁶² Ibidem.

¹⁶³ Ibidem, no. 20.

¹⁶⁴ JOHN PAUL II: *Address on the Third World Meeting with Families* (14.10.2000), https://www.vatican.va/content/john-paul-ii/en/speeches/2000/oct-dec/documents/hf_jp-ii_spe_20001014_families.html, no. 3 [accessed 18.09.2024].

¹⁶⁵ Ibidem, no. 5.

dialogue and human coexistence among peoples.”¹⁶⁶ And, at the same time, that the Christian spouses have to be reminded that “the sacrament of Matrimony” assures us “the necessary grace to persevere in the mutual love that your children need as much as bread.”¹⁶⁷

The powerful ideas set out by the Holy Father in this Address are also to be found in “themes for reflection and dialogue” from the Third World Meeting of the Holy Father with Families¹⁶⁸ organised in Rome by the Pontifical Council for the Family on 14–15 October 2000.

From an examination — albeit brief — of the text of Pope John Paul II’s three documents on marriage and the family, which appeared before the Apostolic Exhortation *Ecclesia in Europa*, authoritative exegetes of their texts have found that the Roman Pontiff related the family to the mission of the Church, and as such they have found that, “to grasp John Paul II’s historical impact on the Church’s doctrine of marriage and family,”¹⁶⁹ it is necessary to see “the Christian family in the light of evangelisation.”¹⁷⁰ The same exegetes consider that, in accordance with the Pontiff’s conception, “the mission of the family is therefore precisely to shine the light of Christ in the world.”¹⁷¹

Monsignor Livio Melina also remarked that in the texts of his works, Pope John Paul II frequently used “the word mystery” when he referred “to marriage and family,”¹⁷² which also attests to the fact that the biblical text was for the Holy Father the main foundation of the ideological and conceptual construction of his encyclicals (cf. Ephesians 5: 32).

This also explains why Pope John Paul II “spoke of the family as an image of the Holy Trinity,”¹⁷³ thus indeed opening “space for a trinitarian anthropology.”¹⁷⁴ In fact, the same exegete of the exhortations, encyclicals, and messages of Pope John Paul II noted that both “the ecclesiological

¹⁶⁶ Ibidem, no. 8.

¹⁶⁷ Ibidem, no. 6.

¹⁶⁸ Jubilee of Families, Themes for Reflection and Dialogue in Preparation for the Third World Meeting of the Holy Father with Families, *Children, Springtime of the Family and Society*, October 14–15, 2000, https://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20001014_rome-jubilee-of-families-index-en.html [accessed 18.09.2024].

¹⁶⁹ L. MELINA: “The Historical Impact of Saint John Paul II on the Church’s Doctrine of the Family.” *Communio: International Catholic Review* 51 (2024), p. 31.

¹⁷⁰ Ibidem.

¹⁷¹ See L. MELINA: “The Mission of the Christian Family According to St John Paul II.” *Communio: International Catholic Review* 47 (2020), p. 661.

¹⁷² L. MELINA: “The Historical Impact...,” p. 32.

¹⁷³ Ibidem, p. 34.

¹⁷⁴ Ibidem, p. 35.

dimension of the Christian family,”¹⁷⁵ and “the analogy between trinitarian *communio* and the human family,”¹⁷⁶ can only be perceived and expressed “through a sacramental encounter with Christ in the Church,”¹⁷⁷ that is through the Mystery of the Holy Eucharist.¹⁷⁸

3. Message of His Holiness Pope John Paul II on Marriage and Family in the Apostolic Exhortation *Ecclesia in Europa*

3.1. Introductory remarks

From the text of the Apostolic Exhortation in question, we can see the same constant pastoral concern of Pope John Paul II for the two basic institutions of human society, marriage and the family.

His pastoral-missionary experience as Metropolitan Archbishop of Kraków and his academic knowledge, which he shared with his students, enabled him to enter into a dialogue with different cultures, faithful however to the truth about man and open to hope,¹⁷⁹ and to focus his efforts on revealing the identity and purpose of the two institutions, according to the ordinance established by God through the natural moral law.

3.2. Marriage

Among other things, in the text of the Apostolic Exhortation published on 28 June 2003 we can also elicit some of the statements made by

¹⁷⁵ Ibidem, p. 36.

¹⁷⁶ Ibidem.

¹⁷⁷ Ibidem, p. 39.

¹⁷⁸ N. V. DURĂ: “Rânduiești și norme canonice privind administrarea Sfintei Euharistii [Canonical regulations and norms regarding the administration of the Holy Eucharist].” In: *Spovedania și Euharistia izvoare ale vieții creștine*, II. Bucharest 2014, pp. 465—484.

¹⁷⁹ Intervention by Cardinal Alfonso Cardinal López Trujillo at the Cardinals’ Symposium on the 25th anniversary of the Pontificate of John Paul II (18.10.2003), *The Family in the Pontificate of John Paul II*, https://www.vatican.va/roman_curia/pontifical_councils/family/documents/rc_pc_family_doc_20031018_riflessioni-trujillo_en.html [accessed 8.09.2024].

Pope John Paul II on marriage and the family, which are in the spirit of the doctrine of the Second Vatican Council, but which have been renewed and expressed in the spirit of the requirements of his time. These include:

- a) that the Church in Europe must “to proclaim with renewed vigour what the Gospel teaches about marriage and the family, in order to grasp their meaning and value in God’s saving plan”¹⁸⁰;
- b) that “there is a need to rediscover the truth about the family as an intimate communion of life and love open to the procreation of new persons, as well as its dignity as a ‘domestic Church’ and its share in the mission of the Church and in the life of society”¹⁸¹;
- c) that the principle of the indissolubility of marriage, enunciated by our Lord Jesus Christ (cf. Matthew 19: 5—6), was also strongly reaffirmed by the Holy Father when he tells us that a marriage must be “understood as a stable and fruitful union of a man and a woman,”¹⁸² and that the theology and spirituality of marriage must “to demonstrate by convincing examples, the truth and the beauty of the family founded upon marriage”¹⁸³;
- d) that the Church should pay particular attention to “young people and engaged couples” in their preparation “for the celebration of the Sacrament of Matrimony,”¹⁸⁴ and “to provide guidance and support to newly-married couples after the celebration of their wedding”¹⁸⁵;
- e) that the Church must “to be present with maternal affection to those marital situations which could easily appear hopeless”¹⁸⁶;
- f) that Pope John Paul II warned Christian states that factors such as “the growing age and declining population,” “the falling birthrate,” “the spread of abortion” and the legalisation of “euthanasia” etc., have “obscured the sense of the value of life, and led to a kind of conspiracy against life.”¹⁸⁷

As far as divorce is concerned, we know that, since the last century, there has been talk of a “culture of divorce,”¹⁸⁸ which is also attested by statistics showing the increase in divorce cases between spouses, and which has had the immediate consequence of putting children in a rather unfortunate situation.

¹⁸⁰ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 90.

¹⁸¹ Ibidem.

¹⁸² Ibidem, no. 91.

¹⁸³ Ibidem.

¹⁸⁴ Ibidem, no. 92.

¹⁸⁵ Ibidem.

¹⁸⁶ Ibidem, no. 93.

¹⁸⁷ Ibidem, no. 95.

¹⁸⁸ J. J. COUGHLIN: “Natural Law...,” p. 1771.

But, as another authoritative commentator on Pope John Paul II's contribution on marriage and the family remarked, "the full validity of the family, founded on marriage and the fidelity of the vast majority as living witnesses, is the best possible response to those who have been working to assure the extinction of this natural institution."¹⁸⁹

In *Ecclesia in Europa* Pope John Paul II's also exhorts:

- g) that the restoration of the "true dignity as a place where every person is affirmed in his or her incomparable dignity,"¹⁹⁰ it is necessary "to serve the Gospel of life"¹⁹¹;
- h) that "Europe needs a religious dimension,"¹⁹² and for this "it must open itself to the workings of God"¹⁹³; and "for Europe to be built on solid foundations, there is a need to call upon authentic values grounded in the universal moral law written on the heart of every man and woman."¹⁹⁴

It is therefore to natural law, or rather to natural moral law, to which the Roman Pontiff often referred based first and foremost on the biblical text, namely that of the Apostle Paul, according to whom "Gentiles, who do not have the Law, act by nature in conformity with the Law" (Romans 2: 14).

About the concept of natural law, the specialised literature (theological, philosophical, and legal) states that it "derives from the Aristotelian-Thomistic thought," which understood and defined natural law as a "law of reason," and that "God is the final reason."¹⁹⁵ But both Pope John Paul II and Christian jurists recognise that the foundations of this right are to be found in the natural moral law which God has planted in the human heart since creation.

As some jurists have also noted, Pope John Paul II referred the institution of marriage to the norms of natural law,¹⁹⁶ that is, to the moral-religious law, which indeed allows us "a more complete and balanced understanding of marriage and family life than the present mainstream perspective, which has its roots in liberal theory,"¹⁹⁷ influenced by the doctrine of liberalism, which indeed has had a real impact on family law.

¹⁸⁹ Intervention by Cardinal Alfonso López Trujillo..., no. 1.

¹⁹⁰ JOHN PAUL II: *Post-Synodal Apostolic Exhortation "Ecclesia in Europa"*, no. 96.

¹⁹¹ *Ibidem*.

¹⁹² *Ibidem*, no. 116.

¹⁹³ *Ibidem*.

¹⁹⁴ *Ibidem*.

¹⁹⁵ K. JASIŃSKI: "Understanding of Marriage...", p. 458.

¹⁹⁶ J. J. COUGHLIN: "Natural Law...", p. 1772.

¹⁹⁷ *Ibidem*.

This family law has regulated “human sexuality and procreation in a variety of ways,”¹⁹⁸ hence the remark of those legal scholars that the new family law no longer privileges “monogamous relationships between males and females,”¹⁹⁹ but “any number of possibilities such as cohabitation, polygamy, homosexual unions, or some other type of arrangement,”²⁰⁰ which has led to viewing marriage as a “social convention.”²⁰¹

It also has to be taken into consideration the fact that the norms laid down in the natural moral law²⁰² are found in the Decalogue, and that they “are sources of obligation with regard to man because they have been so ordained by the Creator of nature,”²⁰³ a “marriage could no longer claim a legitimacy based upon its status as a permanent institution derived from human nature, which transcended cultures and history.”²⁰⁴ Therefore, in accordance with the principle of natural law, reaffirmed in the text of the Decalogue, man is obliged to adopt the “type of marriage” laid down in “the prescriptions”²⁰⁵ of this one.

Hence the statement of the same Christian jurist that only “marriage under the natural law may be defined as a lawful,”²⁰⁶ because such a marriage affirms both the monogamous principle and the principle of the indissolubility of marriage, which was to be raised by Jesus Christ to the rank of a Sacrament.

According to Brendan F. Brown, natural law recognises only “limited jurisdiction,”²⁰⁷ because “the State is competent to establish reasonable diriment impediments, [...], provided it follows the principles of the natural law.”²⁰⁸ But, “the State has the right and duty to create a juridical institution of marriage for the unbaptised, and also for the baptised insofar as the purely civil effects are concerned.”²⁰⁹ However, the State “it has no power to dissolve the marriage bond, which is never civil, but either

¹⁹⁸ Ibidem, p. 1777.

¹⁹⁹ Ibidem.

²⁰⁰ Ibidem.

²⁰¹ Ibidem.

²⁰² N. V. DURĂ: “The Right and its Nature in the Perception of the Roman Jurisprudence and of the Great Religions of the Antiquity.” In: *Rethinking Social Action. Core Values*. Coord. A. SANDU et al. Bologna 2015, pp. 517—524.

²⁰³ B. F. BROWN: “The Natural Law, the Marriage bond, and Divorce.” *Fordham Law Review* 24/1 (1955), p. 83.

²⁰⁴ J. J. COUGHLIN: “Natural Law...,” p. 1777.

²⁰⁵ Ibidem, p. 85.

²⁰⁶ Ibidem, p. 87.

²⁰⁷ Ibidem, p. 92.

²⁰⁸ Ibidem, p. 93.

²⁰⁹ Ibidem.

natural or supernatural,”²¹⁰ as it is also stated by Byzantine law and ecumenical Church law.²¹¹

4. Family

Both in the documents that have dealt with the issue of marriage and in those that have also dealt with the family, it has been noted that “the Pope’s efforts have centred on the identity of the family in accordance with God’s plan,”²¹² and that, in his conception, “the family must live its vocation in an atmosphere of prayer, of dialogue with the Lord.”²¹³

As Cardinal Alfonso Cardinal López Trujillo also pointed out, it was Pope John Paul II who established, at the Pontifical Lateran University, both the Pontifical Council for the Family and the Pontifical Institute for Studies on Marriage and Family, which bears the name of the Roman Pontiff, as well as the Pontifical Academy for Life, and “has taken special care to ensure that the family not be closed in upon itself but fully open to society.”²¹⁴

It was also Pope John Paul II who pleaded for “the family’s fundamental rights at important world meetings, with heads of State, in Parliaments and in conversations with politicians. He has been a determined champion of the rights of all poor families and poor peoples subjected to the arbitrary policies of the powerful who, with no respect for their sovereignty, overwhelm them with pressures and undue demands that are incompatible with their culture and dignity.”²¹⁵

It was also noted that, “in the face of the phenomena of the gradual deterioration of the family by insidious legislation, John Paul II’s teaching stands out like a critical conscience, forged in the Gospel, which also invites us to defend all that truly humanises man.”²¹⁶

²¹⁰ Ibidem.

²¹¹ C. MITITELU: “Reglementări ale dreptului roman, privind instituția căsătoriei, exprimate și comentate în *Decretum Gratiani* [Regulations of Roman Law, on the Institution of Marriage, expressed and commented in *Decretum Gratiani*].” *Jurnalul juridic național: teorie și practică* 36/2 (2019), pp. 32—35; C. MITITELU: “Religious Marriage and its legal regime in Roman and Romanian Law. Considerations and assessments.” *Analele Universității “Constantin Brâncuși” din Târgu Jiu, Seria Științe Juridice* 2 (2023), pp. 81—104.

²¹² Intervention by Cardinal Alfonso López Trujillo..., no. 1.

²¹³ Ibidem, no. 3.

²¹⁴ Ibidem, III.

²¹⁵ Ibidem.

²¹⁶ Ibidem.

The cardinal pointed out that “John Paul II has devoted most of his precious energies to the Gospel that restores life and humanity to the world,”²¹⁷ but mostly in Europe, for which he considered that, “in addition to a new evangelisation,” Europe “requires in some cases a first evangelisation.”²¹⁸

Among other things, in the Apostolic Exhortation *Ecclesia in Europa*, His Holiness John Paul II, affirmed that at the beginning of the third millennium Europe was “presently witnessing the grave phenomenon of family crises and the weakening of the very concept of the family,”²¹⁹ despite of the fact that the families are the “spiritual roots”²²⁰ of the Gospel of Christ.

On the same occasion, the Pontiff also recalled “of the specific contribution of women in service of the Gospel of hope,”²²¹ and declared that “in various parts of Europe a first proclamation of the Gospel is needed: the number of the unbaptised is growing, both because of the significant presence of immigrants of other religions and because children born into families of Christian tradition have not received Baptism, either as a result of the Communist domination or the spread of religious indifference.”²²²

This reality prompted the Roman Pontiff to urge “the Church in Europe to give greater attention to the training of young people in the faith,”²²³ and “to provide them with a sound human and Christian formation.”²²⁴ And to the Churches in Europe, he asked them to “enter the new millennium with the Book of the Gospels,”²²⁵ because “the Holy Bible continues to be a treasure for the Church and for every Christian,” whereas “in the careful study of God’s word we will daily find nourishment and strength to carry out our mission.”²²⁶

It is first of all about “the Gospel of hope, as a proclamation of the truth which sets us free (cf. Jn. 8: 32),”²²⁷ which has “to be celebrated [...] in the Sacraments, in the liturgy and in your whole life.”²²⁸ But, since the Pope John Paul II founded “certain signs” which weakened “the sense of

²¹⁷ Ibidem.

²¹⁸ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 46.

²¹⁹ Ibidem, no. 8.

²²⁰ Ibidem, no. 19.

²²¹ Ibidem, no. 42.

²²² Ibidem, no. 46.

²²³ Ibidem, no. 61.

²²⁴ Ibidem.

²²⁵ Ibidem, no. 65.

²²⁶ Ibidem.

²²⁷ Ibidem, no. 66.

²²⁸ Ibidem.

mystery in the very liturgical celebrations,” he asked that “the authentic sense of the liturgy be revived in the Church.”²²⁹

The Roman Pontiff reaffirmed that the liturgy “is a celebration of the Church’s faith, and a mean of transmitting the faith. As the tradition of the venerable Eastern Churches also clearly emphasises, it is through the liturgy that the faithful enter into communion with the Most Holy Trinity and experience their sharing in the divine nature as a gift of grace. In this way the liturgy becomes a foretaste of final blessedness and a sharing in the glory of heaven.”²³⁰

In the said Apostolic Exhortation, which also referred to marriage and the family, Pope John Paul II stated that, “in her relations with public authorities the Church is not calling for a return to the confessional state. She likewise deplores every type of ideological secularism or hostile separation between civil institutions and religious confessions.”²³¹

Therefore, in the Pontiff’s view, the Church does not admit “religious secularism,” which led to the separation of Church and State by the 1905 Law in France, or to the regime of neutrality of the State in its relations with the Church, unfortunately enshrined in many of the states of the world today, both in their constitutional text and in the laws of religious worship,²³² which has also led to a limitation of the right to freedom of religion.²³³

In the same Roman Pontiff’s conception, “the Europe which must be built up as a ‘union’”²³⁴ and the Christians have to contribute to this “unity so that they can be true witnesses of hope.”²³⁵ Therefore, “the strengthening of union in Europe motivates Christians to cooperate in the process of integration and reconciliation through a theological, spiritual, ethical and social dialogue.”²³⁶

²²⁹ Ibidem, no. 70.

²³⁰ Ibidem.

²³¹ Ibidem, no. 117.

²³² N. V. DURĂ: “‘Man’ and His Right to Freedom According to the Sacred Texts of the ‘Great Religions’ and of Roman Law.” In: *Eternal Values and the Constantly Changing World*. Ed. D. MUSKHELISHVILI. New York 2024, pp. 333—342.

²³³ C. MITITELU: “Constituția Republicii Italiene. Raporturile între Stat și Biserică și dreptul la libertatea de religie [The Constitution of the Italian Republic. Relations between State and Church and the right to freedom of religion].” *Jurnalul libertății de conștiință* 11/1 (2023), pp. 33—52; C. MITITELU: “Constituția Israelului și dreptul la libertatea de religie [The Constitution of Israel and the right to freedom of religion].” *Jurnalul libertății de conștiință* 11/2 (2023), pp. 87—108.

²³⁴ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 118.

²³⁵ Ibidem.

²³⁶ Ibidem, no. 119.

As for the reconciliation through a theological dialogue between Catholics and Orthodox,²³⁷ for which Pope John Paul II has campaigned and brought a substantive contribution, it seems however that this remained a *pium desiderium* ('pious wish'), but, since the hope dies last, we hope that it will be resumed, so that one day we can all be "One," as our Lord Jesus Christ wants (cf. John 17: 21), and for which also His Holiness fervently campaigned, as his Encyclical *Ut unum sint*²³⁸ evidently attests. But it is a desire which, however, needs "the unity of faith" (Ephesians 4: 13), for which we have to work.

In order to actualise the union of the EU states, according to Pope John Paul II, Europe needs "to make a qualitative leap in becoming conscious of its spiritual heritage,"²³⁹ but also of its religious and cultural values,²⁴⁰ which have given this heritage a pronounced humanist Christian character, in the affirmation and development of which the two monotheistic religions, Mosaicism and Christianity,²⁴¹ have played an exponential role.

A decisive role in the affirmation and development of this spiritual, religious and cultural heritage of Europe was played by the Christian Church of the first millennium by his learned theologians (hierarchs and monks),²⁴² who contributed not only to the development of a humanist-Christian culture, but also to the awareness of the need for reconciliation and the preservation of the ecumenical unity of the Church of Christ.

In the process of raising awareness of this spiritual, religious and cultural heritage of Europe, both the "domestic Church," that is, the members of a family community, and the wider community of Christian families, that is, "the parish," which is indeed "a setting where the faithful are offered opportunities for genuine Christian living and a place for authentic

²³⁷ N. V. DURĂ: "Le 'Primat pétrinien'. Le rôle de l'Évêque de Rome selon la législation canonique des conciles oecuméniques du premier millénaire. Une évaluation canonique-ecclésiologique." In: *Il Ministero petrino. Cattolici e ortodossi in dialogo*. Ed. W. KASPER. Rome 2004, pp. 171–201.

²³⁸ C. MITITELU: "Pope John Paul II's Encyclical Letter *Ut unum sint* and Its Praise-worthy Contribution to the Cause of Christian Unity." *Ecumeny and Law* 10/2 (2022), pp. 135–156.

²³⁹ JOHN PAUL II: *Post-Synodal Apostolic Exhortation "Ecclesia in Europa"*, no. 120.

²⁴⁰ N. V. DURĂ: "Valorile religios-creștine și 'moștenirea culturală, religioasă și umanistă a Europei'. 'Laicitate' și 'libertate religioasă' [Christian-religious values and 'Europe's cultural, religious and humanist heritage'. 'Laicity' and 'religious freedom']." In: *Volumul Simpozionul "Modernitate, postmodernitate și religie"*. Iași 2005, pp. 19–35.

²⁴¹ N. V. DURĂ: "Statele Uniunii Europene și cultele religioase [European Union states and religious denominations]." *Ortodoxia* 1/2 (2009), pp. 49–72.

²⁴² N. V. DURĂ: "The 'Scythian Monks' (Daco-Roman) and their Contribution to the European Christian Humanist Culture." In: *Dialogue of Civilisations*. Ed. D. MUSKHELISHVILI. New York 2010, pp. 33–42.

human interaction and socialisation,”²⁴³ are called to bring their contribution. But within the two Christian families (the “small one” and the “great one”), their members need both knowledge of the Holy Scriptures and private and communal prayer, without which we cannot speak of an authentic Christian life, and to live within framework of the spiritual heritage of the canonical Church of the first millennium.²⁴⁴

On some aspects of Pope John Paul II’s teaching, some Catholic theologians have argued that a constant preoccupation of his has been to reinvigorate “theological reflection and pastoral commitment,”²⁴⁵ which has made his Exhortations, Encyclicals and Messages highlight him as both a theological scholar and a missionary committed to spreading the teaching of Christ and even re-evangelising Europe in an age of globalisation.²⁴⁶

From the text of the Apostolic Exhortation *Ecclesia in Europa*, we can see that, for John Paul II, the family is “a sanctuary of life” and a “foundation of society,” but also “a model for the establishment of social relations lived out in love and in solidarity.”²⁴⁷

In support of families who live in the spirit of the Christian faith, and who are “visible witnesses of the presence of Jesus who accompanies and sustains them with the gift of his Spirit,”²⁴⁸ the Pope has repeatedly called “to enrich the theology and spirituality of marriage and family life.”²⁴⁹

The Roman Pontiff also urged the Church to work “for the promotion of genuine and adequate family policies on the part of individual States and the European Union itself,”²⁵⁰ and asked the Church to give “adequate attention and priority to the family.”²⁵¹

Such desires have in fact constituted Pope John Paul II a true *philosophia perennis* of his pastoral-canonical activity, expressed both in his pastoral guidelines and in his itinerant mission on the continents of the world.

²⁴³ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 15.

²⁴⁴ About this Church and its canonical legislation and synodal regime, see N. V. DURĂ: *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du Ier millénaire*. Bucharest 1999, pp. 287—382.

²⁴⁵ Intervention by Cardinal Alfonso López Trujillo..., no. 1.

²⁴⁶ C. MITITELU: “The ‘Globalization Era’ and the Right of the Church to Preach the Gospel to All Peoples. Canonical-Juridical Considerations and Assessments.” *Ecumeny and Law* 5 (2017), pp. 127—146.

²⁴⁷ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 94.

²⁴⁸ Ibidem, no. 91.

²⁴⁹ Ibidem.

²⁵⁰ Ibidem.

²⁵¹ Ibidem, no. 94.

The Sovereign Pontiff wrote that Christian families have “an irreplaceable responsibility for the Gospel of hope.”²⁵² Therefore, the members of these ones have to be formed and educated in the spirit of Christian values, and to work “for the attainment of the common good.”²⁵³

“Gospel of life” also presupposes to “build a new culture of life,”²⁵⁴ to which the “priesthood,” which is “par excellence the shepherd of the traditional community,”²⁵⁵ has been called by the Roman Pontiff to contribute on the basis of that “spiritual authority in its pure state [...], whose name is ‘wisdom’,”²⁵⁶ and whose only strength is “truth,”²⁵⁷ that is the One who is “the way, and the truth, and the life” (John 14: 6).

From the text of the Apostolic Exhortation *Ecclesia in Europa* we also note that, for the Roman Pontiff, “Christian inspiration is capable of transforming political, cultural and economic groupings into a form of coexistence in which all Europeans will feel at home and will form a family of nations from other areas of the world can draw fruitful inspiration,”²⁵⁸ hence the Pope’s invitation addressed to the “believers and non-believers alike, to blaze new trails leading to a ‘Europe of the spirit’, in order to make the continent a true ‘common home’ filled with the joy of life.”²⁵⁹

Finally, we have not ignore the fact that, according to the Pope John Paul II’s conception of the family, there are three forms of families, namely: a) *domestic family*, founded by the marriage of a man and a woman; b) the *great family*, made up of men, women and children, and c) the family that encompasses the “believers and non-believers” of Europe, that is our common home, and in which we can find hope of life only in the Gospel of Christ. This in fact the true *Ecclesia in Europa*, about which the Pope John Paul II spoke in his encyclical published in the year 2003.

²⁵² Ibidem.

²⁵³ Ibidem, no. 99.

²⁵⁴ Ibidem, no. 96.

²⁵⁵ R. GUÉNON: *Autoritate spirituală și putere temporală* [Spiritual authority and temporal power]. Trans. D. HOBLEA. Bucharest 2021, p. 35.

²⁵⁶ Ibidem.

²⁵⁷ Ibidem, p. 30.

²⁵⁸ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”*, no. 121.

²⁵⁹ Ibidem.

Conclusions

A careful reading of the text of some of the documents of Pope John Paul II — published during his pontificate — titled as exhortations, encyclicals, letters, messages etc. — has enabled us to affirm that the Pontiff has included marriage and the family, two ancient institutions of humanity, among the vital topics of his pastoral-canonical activity and of his messages as Supreme Pastor of the Catholic Church.

His exhortations, encyclicals and papal letters were addressed both to the members of the little family, the “domestic Church,” and to the larger Christian family, the Church of Christ, as well as to the whole world, enabling him to proclaim to all the truth that the Church is “the source of hope for Europe.”²⁶⁰ And this theme was to be for the Pope John Paul II a leitmotiv throughout the Great Jubilee of 2000.

From the text of the work, the reader will be able to see that, in order to better understand Pope John Paul II’s ideological thinking and conception of the two basic institutions of human society, namely marriage and the family, as well as his message of evangelisation of Europe, I did not stop at examining only the text of his Apostolic Exhortation of 28 June 2003, that is *Ecclesia in Europa*, but I also referred to the text of other exhortations, encyclicals and letters published by the Holy Father before that date.

From the text of the Apostolic Exhortation *Ecclesia in Europa* we have also noted that the two ancient institutions of humanity, marriage and the family, which share the foundation of religious-moral norms of *jus divinum* and *jus naturale*, have been the subject of debate in other collegial-synodal meetings, in which the Holy Father also took part, as was the case both at the Second Vatican Council, and at the Synods of Bishops gathered in Rome under his presidency, and to which His Holiness, in his capacity as a learned theologian and Supreme Pastor of the Catholic Church, has added an exemplary and substantive contribution in the drafting of the respective synodal texts.

The theological and pastoral-missionary contribution of the former “metropolitan archbishop of Kraków,”²⁶¹ and since 1978 Bishop of the “Apostolic See” — who rightly claimed “the heritage of St Peter

²⁶⁰ Ibidem, no. 1.

²⁶¹ JOHN PAUL II: *Letter to the People of Poland*, https://www.vatican.va/content/john-paul-ii/en/letters/1978/documents/hf_jp-ii LET_19781024_polacchi.html#:~:text=The%20Church%20in%20Poland%20has%20acquired%20a%20new%20voice%2C%20it,is%20speaking%20to%20you%20today [accessed 29.09.2024].

and St Paul”²⁶² — is confirmed by the texts of his documents on the status of the two institutions, marriage and family, as well as on the identity and vocation of their members, in the Church and in society.

It can also be seen from the text of these documents that Pope John Paul II based his theological thinking and conception of the problems facing the Church in the last decades of the 20th century and the beginning of the third millennium on both the biblical and patristic texts, but there were also references to the way in which marriage and the family were regulated by the main international legal instruments concerning man.

We cannot conclude these reflections on the Apostolic Exhortation *Ecclesia in Europa* without mentioning the fact that, through its text, the Holy Father has made an important scholarly contribution not only for the theologians of the Church, but also for jurists, sociologists, political scientists, etc., who in their daily work seek to define the status of the two institutions and to present their role in human society.

This contribution has also been due to the fact that the Roman Pontiff proved to be both an interpreter of the revealed truth, through the two traditional ways, namely, through *Fides et ratio*, and a fervent animator and supporter of bilateral (Orthodox—Roman Catholic) and inter-religious religious dialogue.

Undoubtedly, these two defining attitudes of his pastoral-missionary activity were able to acquire concrete manifestations first of all because Pope John Paul II proved to be a worthy servant of Christ and a lover of man, which for the Holy Father remained the measure of all things. And just for this reason the Roman Pontiff can also be regarded as “a measure of man’s nobility,” which has been “a measure that has been put to the test many times.”²⁶³

It was the same measure of nobility that led Pope John Paul II, on the day of his appointment to the Apostolic See of Rome (23 October 1978), to urge his fellow countrymen to “oppose everything that conflicts with human dignity and degrades the morals of a healthy society.”²⁶⁴

Pope John Paul II’s exhortation to his fellow countrymen on the occasion of his enthronement in the first *Sedes episcopalis* of the Catholic Christian world, remains, of course, a topical one for all those who do not accept that man — the image of God (cf. Genesis 1: 26, 26—27; 2: 7; 5: 1—2; I Corinthians 11: 7) — and his dignity should not be respected, and that the two fundamental institutions, marriage and the family, should not be also regulated on the basis of *jus divinum* and *jus naturale*.

²⁶² Ibidem.

²⁶³ Ibidem.

²⁶⁴ Ibidem.

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Ecclesia in Europa

message de Sa Sainteté le Pape Jean-Paul II sur le mariage et la famille

Résumé

Pour le Pape Jean-Paul II, le mariage et la famille n'étaient pas seulement l'objet d'études et d'analyses ecclésiologiques, philosophiques et juridico-canoniques, mais également pastorales et missionnaires, ce qui découlait de son observation de la situation sociale et juridique incertaine de ces deux anciennes institutions humaines à la fin du deuxième millénaire.

Les observations du Pape se sont traduites par des actions concrètes dans le domaine de la pastorale des mariages et des familles, ainsi que par des œuvres théologiques, philosophiques et juridiques, dont les idées puissantes ont influencé non seulement la doctrine de l'Église catholique, mais ont également eu un impact positif sur la politique des instances décisionnelles internationales concernant le statut social et juridique de ces deux institutions, comme en témoignent les instruments juridiques internationaux.

Dans ce contexte, le texte paradigmatique demeure l'exhortation apostolique *Ecclesia in Europa*, publiée par le Pape Jean-Paul II en 2003, dans laquelle le pape proclame que la source et l'espérance de l'Europe, y compris pour ces deux institutions, le mariage et la famille, est uniquement Jésus-Christ, appelant à la fois la « Petite Église », c'est-à-dire la famille, et la « Grande Église », c'est-à-dire l'Église de tous les chrétiens, à rendre témoignage de lui avec la foi et le courage.

Mots-clés : communauté conjugale, loi divine, loi naturelle, droits de la famille

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Ecclesia in Europa
messaggio di Sua Santità Papa Giovanni Paolo II
sul matrimonio e la famiglia

Riassunto

Per Papa Giovanni Paolo II, il matrimonio e la famiglia non erano solo oggetto di studi e analisi ecclesiologiche, filosofiche e giuridico-canoniche, ma anche pastorali e missionarie, in ragione della sua osservazione della situazione sociale e giuridica incerta di queste due antiche istituzioni umane alla fine del secondo millennio.

Le osservazioni del Papa si sono tradotte in azioni concrete nel campo della pastorale dei matrimoni e delle famiglie, nonché in opere teologiche, filosofiche e giuridiche, le cui potenti idee hanno influenzato non solo la dottrina della Chiesa cattolica, ma hanno avuto anche un impatto positivo sulla politica degli organismi decisionali internazionali in materia di status sociale e giuridico di queste due istituzioni, come riflesso negli strumenti giuridici internazionali.

In questo contesto, il testo paradigmatico rimane l'esortazione apostolica *Ecclesia in Europa*, pubblicata da Papa Giovanni Paolo II nel 2003, in cui il Papa proclama che la fonte e la speranza dell'Europa, comprese queste due istituzioni, il matrimonio e la famiglia, è unicamente Gesù Cristo, invitando sia la « Piccola Chiesa », cioè la famiglia, sia la « Grande Chiesa », cioè la Chiesa di tutti i cristiani, a rendergli testimonianza con la fede e il coraggio.

Parole chiave: comunità coniugale, legge divina, legge naturale, diritti della famiglia