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Part One

Ecumenical Juridical Thought

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Canon Law in the Service of Ecumenism*

Abstract: An event from 25 years ago is written in thick letters in the history of ecumenism. On 7—9 May 1999, the head of the Catholic Church, Pope John Paul II, made an apostolic journey to Romania, a first visit by any pontiff to a country of Orthodoxy. A specific climax of the event was the papal words delivered at the departure ceremony: “Here, on Romanian soil it is especially clear that the Church breathes with both lungs.” That is how the idea of the two lungs of the Church (already present in the Pope’s teaching before) became permanently inscribed as a keystone and the first element of the magisterial “triad,” delineating the hermeneutic horizon of the contemporary interpretation of the words: *Ut unum sint*. The two remaining, equally essential elements—identified in the great encyclical bearing the same title, are: the idea/postulate of Eucharistic ecclesiology and the idea/postulate of a new form of exercising the primacy (synodality). This article constitutes an attempt to show the inseparable role of *ius ecclesiasticum* (both in the area of legislation and execution of law) within the context of the need of a multi-level activity — consistent but also pressing, the proof of which is Pope Francis’ synodal engagement — of implementing the paradigms of John Paul II’s ecumenical thought.

Keywords: ecumenism, John Paul II’s paradigm of ecumenical thought, Eucharistic ecclesiology, synodality, ecumenical dialogue as an essential dimension of canon law

I take today’s pleasant event, first of all, as a good opportunity to emphasize the importance of the involvement in initiating and deepening ecumenical dialogue of many great representatives of the “sister Churches” — the Catholic Church and the Orthodox Churches. And it is to someone of all merit in this dialogue, who, like me, has managed to get to know

* The following is the full text of *lectio magistralis* delivered on April 12, 2024 at the ceremony of awarding the author with the title of *doctor honoris causa* by Ovidius University of Constanța.

the beauty of the hospitable Romanian land up close, that I would like to dedicate this honourable award. This person is, of course, the “Great and Holy Pope” — according to what the well-known Orthodox theologian Hilarion Alfeyev (then Bishop of Vienna and the Russian Orthodox Church’s representative to the European Union) said about John Paul II in a special statement shortly after his departure to the Father’s house.¹

Well, out of the necessity of my heart, today I repeat this modest gesture after 15 years, when in the monograph dedicated to “John Paul II’s idea of canonical marriage” I included a dedication: “In tribute to the Holy Father, a great Pole.” And little bit later, at the invitation of Professor Nicolae V. Dură, then Vice-Rector of the “Ovidius” University, I had the honour — before the venerable audience of the Faculty of Theology — to present the main theses of this book.

However, the focus in my speech today on the figure of the great promoter of ecumenism, on the Pope of the “turn of the millennia,” marks first of all a special context, which here on the Romanian soil it is impossible not to highlight. The great ecumenical event at the end of the 20th century, familiar to us all — I will talk about it in a moment — is worth placing on the “map” of historical steps in the process of uniting Christians:

- 1910 Edinburgh World Missionary Conference
- 1920 Encyclical from the (Orthodox) Synod of Constantinople
- 1948 Founding of the World Council of Churches (WCC)
- 1961 Romanian Orthodox Church: WCC Member²
- 1964, 1967 “Historical” Meetings of Pope Paul VI with the Patriarch of Constantinople Athenagoras
- 1962—1965 Second Vatican Council; Decree on Ecumenism
- 1979, 1987 Joint Declarations of Pope John Paul II and Patriarch Dimitrios I
- 1980 Establishment of the Joint International Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church
- 1993 Balamand (Liban) — a Joint Document of the Catholic-Orthodox Commission Rejecting Uniatism as a Method for Church Union

¹ T. P. TERLIKOWSKI: “Jan Paweł II wobec Rosji.” *Teologia Polityczna* 3 (2005—2006), p. 113, fn. 1.

² See “Romanian Orthodox Church,” <https://www.oikoumene.org/member-churches/romanian-orthodox-church> [accessed 15.01.2024].

As we know, Orthodox Churches, like the Churches of the Reformation have been participating in the ecumenical movement longer than the Catholic Church. However, the latter's ecumenical accession, linked to the breakthrough event of Vatican II and the promulgation of the Decree on Ecumenism *Unitatis redintegratio*³ we can boldly call a new — throughout the Christian world — stage in the realization of Christ's words *Ut unum sint* ["That they may be one"]. Wide opening of the way to seek unity between Orthodox and Catholics was confirmed by the meetings of Pope Paul VI and Patriarch Athenagoras of Constantinople — in 1964 and 1967. The relations of the highest representatives of these Churches were the beginning of the historical "Dialogue of Love" (a term coined by Metropolitan Meliton of Chalcedon) as shown, based on correspondence and archives John Chryssavgis, Archdeacon of the Ecumenical Patriarchate.⁴

After all, progress on the road to Christian unification was conditioned not by the "Dialogue of Love" alone, but above all by the bold step into the deeper Area of Ecumeny — in the network of paths of ecumenical dialogue⁵ — namely, by placing the focus on the "Dialogue of Truth":

- The Dialogue of Love
- The Dialogue of Truth
- The Dialogue of Life, amounting to:
 - spiritual ecumenism (the primacy of prayer),
 - pastoral ecumenism,
 - practical ecumenism,
 - cultural ecumenism.

In this regard, it was St. John Paul II who showed great, genuine ecumenical concern and commitment, and this from the very beginning of his pontificate! Already in the year of his election to the See of Peter (1979) the result of a meeting with Patriarch Dimitrios of Constantinople in Istanbul⁶ was the joint decision to establish the Joint International

³ VATICAN COUNCIL II: *Decree on Ecumenism "Unitatis redintegratio"* [1964], https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii-decree_19641121_unitatis-redintegratio_en.html [accessed 15.01.2024].

⁴ J. CHRYSSAVGIS: *Pilgrimage Toward Unity: Ecumenical Patriarch Athenagoras and Pope Paul VI in Jerusalem (1964). Based on Correspondence and Archives*, <https://www.apostolicpilgrimage.org/historicmeeting.html> [accessed 15.01.2024].

⁵ See PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *The Bishop and Christian Unity: An Ecumenical Vademecum*. Città del Vaticano 2020, pp. 13—39.

⁶ GIOVANNI PAOLO II: *Discorso a Dimitrios, Patriarca di Costantinopoli*, Istanbul, 29 novembre 1979, https://www.vatican.va/content/john-paul-ii/it/speeches/1979/november/documents/hf_jp-ii_spe_19791129_dimitrios-turchia.html [accessed 15.01.2024].

Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church — a theological commission composed of representatives of the Catholic Church and 14 autocephalous Orthodox Churches. The year of the Commission's establishment (1980) is widely recognized as the beginning of the Catholic—Orthodox doctrinal dialogue.

The further steps to sustain the “Dialogue of Truth” with the “Dialogue of Love” in personal relations between the head of the Catholic Church and the Ecumenical Patriarch of Constantinople notes “Common Declaration” of 2004.

- 1987 Patriarch Dimitrios' Visit to Rome
- 1995 Meeting in Rome on the Feast of Sts Peter and Paul
- 2002 2nd Meeting at Assisi for the Day of Prayer for Peace in the World (1st Meeting — 1986)
- 2002 “Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I on Environmental Ethics for the Safeguard of Creation”
- 2004 “Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I.”⁷

But before that, a major event from almost exactly 25 years ago had been written in thick letters in the history of ecumenism. On 7—9 May 1999, the head of the Catholic Church, Pope John Paul II, made an apostolic journey to Romania, a first visit by any pontiff to a country of Orthodoxy. As it was then, also today the Romanian Orthodox Church, with her approximately 20 million of faithful, remains the second biggest community of faithful of this denomination in the world.

A truly jubilant occasion (for it has been 25 years!), prompts at this point to recall the papal words addressed to His Beatitude Patriarch Teoctist († 2007) and Venerable Members of the Holy Synod; I will add — words with which I wholeheartedly identify today:

- During the meeting with Patriarch Teoctist (Bucarest, 8 May 1999):

Your Beatitude, dear Fathers of the Holy Synod [...] Thank you for wanting to be the first Orthodox Church to invite the Bishop of Rome to her country; thank you for giving me the joy of this fraternal meeting; thank you for the gift of this pilgrimage, which has allowed me to

⁷ “Common Declaration of Pope John Paul II and the Ecumenical Patriarch Bartholomew I,” Vatican, 29 June 2004, https://www.vatican.va/content/john-paul-ii/en/speeches/2004/july/documents/hf_jp-ii_spe_20040701_jp-ii-bartholomew-i.html [accessed 15.01.2024].

strengthen my faith through contact with the faith of fervent brothers and sisters in Christ!⁸

- At departure ceremony (Bucarest Airport, 9 May 1999):

Your country has a unique ecumenical vocation stemming from its very roots. Because of its geographical location and long history, its culture and tradition, Romania in a way is a house where East and West meet in natural dialogue. The Church too breathes here with her two lungs in a particularly visible way.⁹

This last sentence of John Paul II, probably delivered with great conviction, has a special weight of its own: Here, on Romanian soil it is especially clear that the Church breathes with both lungs.

Let us be clear, the idea of the Church's two lungs is one of the most important paradigms of John Paul II's ecumenical thought. It is with the invocation of this idea in *Ut unum sint* (no. 54) — in the historic first encyclical dedicated to the issue of ecumenism — that John Paul II precedes the beautiful verses about our “sister Churches” (nos. 55—58):

The Church must breathe with her two lungs! In the first millennium of the history of Christianity, this expression refers primarily to the relationship between Byzantium and Rome. From the time of the Baptism of Rus' it comes to have an even wider application: evangelization spread to a much vaster area, so that it now includes the entire Church. If we then consider that the salvific event which took place on the banks of the Dnieper goes back to a time when the Church in the East and the Church in the West were not divided, we understand clearly that the vision of the full communion to be sought is that of unity in legitimate diversity.¹⁰

It remains significant that in Gniezno (the first capital of Poland), where right at the beginning of John Paul II's pontificate his message about the two lungs of Europe resounded strongly, a representative of the

⁸ JOHN PAUL II: *Address to the Patriarch of the Romanian Orthodox Church*, 8 May 1999, no. 7, https://www.vatican.va/content/john-paul-ii/en/speeches/1999/may/documents/hf_jp-ii_spe_19990508_romania-patriarc.html [accessed 15.01.2024].

⁹ JOHN PAUL II: *Address at Departure Ceremony*, 9 May 1999, no. 2, https://www.vatican.va/content/john-paul-ii/en/travels/1999/documents/hf_jp-ii_spe_09051999_romania-departure.html [accessed 15.01.2024].

¹⁰ JOHN PAUL II: *Encyclical Letter “Ut unum sint”* [1995], no. 54, https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint.html [accessed 15.01.2024].

Eastern churches, the aforementioned Bishop Hilarion Alfeyev (currently: Metropolitan of Budapest-Hungary, *nota bene* declared opponent of the war) in the year when the Pope passed away, referred to this message — as he would to a testament. In a paper entitled: “Can Europe Breathe with One Lung? Catholic—Orthodox Dialogue Today” — Bishop Hilarion called for a Roman Catholic—Orthodox alliance to combat secularism, liberalism, and relativism in Europe:

Christianity must breathe with two lungs, Eastern and Western. This metaphor belongs to the Russian poet Vyacheslav Ivanov and derives from the worldview of Vladimir Soloviev. [...] It was used by the late pope John Paul II in his public addresses. [...] Today, as never before, we need a united Christian voice in Europe which is rapidly secularized and dechristianized; [...] nothing should prevent us from uniting our efforts in order to defend Christian tradition, without waiting for the restoration of full unity between the two lungs of European Christianity.¹¹

Let me repeat: the *idea of the two lungs* of the Church can be boldly described as the first ecumenical programmatic idea of John Paul II’s pontificate. But in the aforementioned great encyclical *Ut unum sint* — to which my venerable colleague Professor Nicolae Dura and I recently dedicated two volumes of our journal *Ecumeny and Law*¹² — recognized experts identify two other programmatic ideas. Both fit firmly into the Catholic—Orthodox ecumenical dialogue, but also the global ecumenical dialogue.

Well, the second idea is revealed by the Pope when, quoting explicitly the words of the Second Vatican Council’s *Decree on Ecumenism*, referring to the Orthodox Churches, he draws attention to the importance of Eucharistic ecclesiology — fundamental for understanding the Church in Eastern theological thought:

Through the celebration of the Holy Eucharist in each of [...] churches, the Church of God is built up and grows in stature and through con-celebration, their communion (*communio*) with one another is made manifest.¹³

¹¹ H. ALFEYEV: “Can Europe Breathe with One Lung? Catholic-Orthodox Dialogue Today.” In: *6th Gniezno Convention: “The Europe of Dialogue. Being a Christian in a Pluralist Europe”* [2005]. *Europaica Bulletin*, no. 74, 22.08.2005. Available online: <http://orthodoxeurope.org/page/14/74.aspx> [accessed 15.01.2024].

¹² *Ut Unum Sint* (I), *Ecumeny and Law* 10/1 (2022); *Ut Unum Sint* (II), *Ecumeny and Law* 10/2 (2022).

¹³ JOHN PAUL II: *Encyclical Letter “Ut unum sint”*, no. 12; cf. VATICAN COUNCIL II: *Decree on Ecumenism*, no. 15.

The nodal importance of the *idea of Eucharistic ecclesiology* in the implementation of Christ's words *Ut unum sint*, was often recalled in publications the Metropolitan of Pergamon Ioannis Zizioulas († 2023), an outstanding theologian, professor of Dogmatic theology at the University of Thessaloniki. With regard to Eucharistic ecclesiology, which we owe to such prominent Eastern thinkers as Nikolai Afanasiev, Metropolitan Ioannis Zizioulas states that: "the Divine Eucharist is the center of Christians' unity with Christ, in the body of the Church and as the Body of Christ is communion (*koinonia*) of the Holy Spirit."¹⁴

And what should already be emphasized at this point, Metropolitan Zizioulas shows a close connection of the idea of Eucharistic ecclesiology with the institution of Councils and more broadly with the *idea of synodality*:

It is evident that the "catholicity" of each episcopal Church cannot be understood independently of her full unity with the rest of the Churches in the one Body of Christ. Cut off from the others, any such Church ceases to be "catholic." This forms the theoretical basis for the necessity of the institution of Councils. [...] The institution of Councils, in consequence, arose during the first three centuries as the supreme way of verifying the "common union" of the local Churches in one body."¹⁵

Without losing sight of the idea of Eucharistic ecclesiology, the third ecumenical idea of John Paul II should be mentioned. Well, Cardinal Professor Walter Kasper, a widely known and respected Catholic dogmatist, in the book *Searching for Christian Unity*, which presents the equal positions of the Churches, highlights another equally fundamental idea of John Paul II, which resounds in numbers 88 and 95 of the encyclical *Ut unum sint*: "The essential problem in the relationship between East and West is the Petrine office (UUS, 88). Pope John Paul II has issued an invitation to a fraternal dialogue on the future exercise of the Petrine office (UUS, 95)." ¹⁶ It is worth adding that in 2003 Cardinal Kasper as President of the Pontifical Council for the Promotion of Christian Unity in Rome convened an academic symposium on the theme of the Petrine ministry.

¹⁴ J. D. ZIZIOULAS: *Eucharist, Bishop, Church: The Unity of the Church in the Divine Eucharist and the Bishop During the First Three*. Brookline, MA 2001, p. 238.

¹⁵ Ibidem, pp. 260—261.

¹⁶ W. KASPER: "The Decree on Ecumenism — Read Anew After Forty Years." In: JOHN PAUL II, W. KASPER, I. ZIZIOULAS, G. WAINWRIGHT a.o.: *Searching for Christian Unity*. New York 2007, p. 33.

As you can see from the publication,¹⁷ a very interesting lecture was given by Professor Nicolae V. Dură.¹⁸

Canonist Georg Bier, on the other hand, focuses his attention on passages from the 95th, but also from the 99th number in the encyclical:

Pope John Paul II [...] saw the Peter's ministry and its exercise as an ecumenical challenge of the first order. He repeatedly characterized the "ecumenical task" as "one of the pastoral priorities" of his pontificate. [...] He expressed the conviction that "he has a particular responsibility in this regard," especially when he "expresses the ecumenical aspirations of the majority of the Christian Communities." In order to advance ecumenical dialogue, he considered it necessary to find a new "form of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation."¹⁹

How, then, do the ecumenical ideas-postulates that grow into the spiritual testament of St. John Paul II present themselves? They can be put in three points:

1. The idea/postulate of the two lungs of the Church.
2. The idea/postulate of Eucharistic ecclesiology.
3. The idea/postulate of a new form of exercising the primacy (synodality).

Testimony to how these fundamental ideas are connected is once again given by Metropolitan Professor Ioannis Zizioulas, when he concludes his speech in the ecumenical debate, in the already cited book *Searching for Christian Unity*, with an overly pertinent take on the sensitive issues:

The question to which the Orthodox would eagerly await an answer is this: how far can the Roman Catholic Church go with a reformation of the way in which papal primacy is exercised? How far can eucharistic ecclesiology be accepted by the Roman Catholics and applied to ecu-

¹⁷ *The Petrine Ministry: Catholics and Orthodox in Dialogue: Academic Symposium Held at the Pontifical Council for Promoting Christian Unity*. Ed. W. KASPER. New York 2006.

¹⁸ N. V. DURĂ: "The 'Petrine Primacy': The Role of the Bishop of Rome according to the Canonical Legislation of the Ecumenical Councils of the First Millennium, an Ecclesiological-Canonical Evaluation." In: *The Petrine Ministry...*, pp. 159—187.

¹⁹ G. BIER: "Das Verhältnis zwischen Primat und Episkopat. Anknüpfungspunkt für einen ökumenischen Konsens über den Petrusdienst?" In: *Gläubigkeit und Recht und Freiheit. Ökumenische Perspektiven des katholischen Kirchenrechts*. Ed. W. BOCK. Göttingen 2006, p. 53.

menism? And how far can the idea of communion affect the concept and practice of primacy?²⁰

The demands arising from the central idea of Eucharistic ecclesiology in an obvious way determined the ecumenical dialogue in the 21st century. As John Paul II emphasized in the cited encyclical, the recognition of the role of the Orthodox Churches in carrying “on the banners” of this idea is an imperative of truth. But the realization of Christ’s words *Ut unum sint* should mean not an exchange of ideas, but a true dialogue, which is always an exchange of gifts.²¹ This was made unequivocally clear by Pope Francis right at the beginning of his pontificate:

In the dialogue with our Orthodox brothers and sisters, we Catholics have the opportunity to learn more about the meaning of episcopal collegiality and their experience of synodality. Through an exchange of gifts, the Spirit can lead us ever more fully into truth and goodness.²²

The second decade of the 21st century brought two major synodal events in the East and West.

In the East — in 2016 there was the Holy and Great Council of the Orthodox Church also called: the Pan-Orthodox Council or the Council of Crete. Among the items officially approved for referral to and adoption by the Council were:

- The Mission of the Orthodox Church in Today’s World
- Relations of the Orthodox Church with the Rest of the Christian World.²³

Nota bene, the “political” absence of the Russian Orthodox Church (the largest Church of the East in terms of population) in this Pan-Orthodox Council, does not prove that this church is among the declared opponents of ecumenism, like the Churches of Bulgaria and Georgia. For example, testimony to the current commitment to ecumenical dialogue resounds in the last words of the 2017 Draft of *Catechism of the Russian Orthodox Church*: “The Russian Orthodox Church responded with

²⁰ I. ZIZIOULAS: “Unitatis redintegratio: An Orthodox Reflection.” In: JOHN PAUL II, W. KASPER, I. ZIZIOULAS, G. WAINWRIGHT a.o.: *Searching for Christian Unity...*, p. 54.

²¹ JOHN PAUL II: *Encyclical Letter “Ut unum sint”*, no. 28.

²² FRANCIS: *Apostolic Exhortation “Evangelii gaudium”* [2013], no. 246, https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html [accessed 15.01.2024].

²³ HOLY AND GREAT COUNCIL: *Encyclical of the Holy and Great Council of the Orthodox Church. Crete 2016*, nos. 6, 10—14, <https://holycouncil.org/encyclical-holy-council> [accessed 15.01.2024].

the desire to enter into a dialogue of truth and love with non-Orthodox Christians, a dialogue inspired by the call of Christ and the divinely commanded goal of Christian unity.”²⁴

In the West — since 2021, the Catholic Church has been living the event of the Synod on Synodality, held under the concept of “For a Synodal Church: Communion, Participation and Mission.”²⁵ This synod, unique in its universal character — as it is divided into three stages: local, continental, and universal — will conclude in October 2024.

The programme framework for the Synod was developed by the International Theological Commission under the Congregation for the Doctrine of Faith’s produced in 2018 a document “Synodality in the Life and Mission of the Church.” Here was an overly accurate reference to the results of the Catholic—Orthodox and worldwide dialogue in *Chieti Document* of 2016 and a 2013 document issued by the World Council of Churches’ Commission on Faith and Order (which includes Catholic theologians):

In the dialogue between the Catholic Church and the Orthodox Church, the recent *Chieti Document* states that, in the First Millennium, in East and West, ecclesial communion, with firm roots in the Blessed Trinity, developed “structures of synodality inseparably linked with primacy” [...]

The document of the World Council of Churches’ Commission on Faith and Order, *The Church: Towards a Common Vision*, emphasizes that “under the guidance of the Holy Spirit, the whole Church is synodal/conciliar, at all levels of ecclesial life: local, regional and universal. The quality of synodality or conciliarity reflects the mystery of the trinitarian life of God, and the structures of the Church express this quality so as to actualize the community’s life as a communion.”²⁶

Of course, when we talk about the West, it is impossible to downgrade the importance of “steps” towards unity (*Ut unum sint* — according to the rule of “reconciled diversity”) — in the dialogue with the churches

²⁴ SYNODAL BIBLICAL AND THEOLOGICAL COMMISSION OF THE RUSSIAN ORTHODOX CHURCH: *Catechism of the Russian Orthodox Church. Project* [2017] (my trans.), p. 351, http://theolcom.ru/images/2017/КатехизисСББК_Проект.pdf [accessed 15.01.2024].

²⁵ Synod on Synodality [2021—2024], <https://www.synod.va/en.html> [accessed 15.01.2024].

²⁶ INTERNATIONAL THEOLOGICAL COMMISSION: “Synodality in the Life and Mission of the Church” [2018], no. 116, https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html [accessed 15.01.2024].

that arose from the Reformation. Here, due to the time frame, I will mention only two ecumenical documents. The first, a famous document “The Joint Declaration on the Doctrine of Justification,”²⁷ signed in 1999 in Augsburg by representatives of the Catholic Church and the Lutheran World Federation. The second, *Communio Sanctorum*²⁸ is an ecumenical study document published by the Bilateral Working Group of the German Bishops’ Conference and the church leadership of the United Evangelical Lutheran Church of Germany.

In 2006, after a period of stagnation, Joint International Commission for Theological Dialogue Between the Catholic Church and the Orthodox Church began its work. There was a new phase of dialogue focusing on the relationship between primacy and synodality. Today we already know that this dialogue has found its happy ending. The joint document adopted last year in Alexandria will certainly occupy an important place on the “map” of ecumenical dialogue in Third Millennium, which previously included Ravenna (10th plenary session) and Chieti (14th plenary session):

- Ravenna, Italy (2007), “The Ecclesiological and Canonical Consequences of the Sacramental Nature of the Church — Ecclesial”
- Chieti, Italy (2016), “Synodality and Primacy During the First Millennium”
- Alexandria, Egypt (2023), “Synodality and Primacy in the Second Millennium and Today.”

The Alexandria document refers to the aforementioned Chieti document, which was also dedicated to primacy and synodality, only that in the first millennium. The document confirms throughout that the Eucharistic ecclesiology of communion is the key to formulating a theology of synodality and primacy. It suffices to quote some of the document’s more important conclusions.

- “[...] The Church is deeply rooted in the mystery of the Holy Trinity, and a eucharistic ecclesiology of communion is the key to articulating a sound theology of synodality and primacy” (Conclusion, 5.3)

²⁷ LUTHERAN WORLD FEDERATION AND THE CATHOLIC CHURCH: “The Joint Declaration on the Doctrine of Justification” [1999], <https://lutheranworld.org/sites/default/files/Joint%20Declaration%20on%20the%20Doctrine%20of%20Justification.pdf> [accessed 15.01.2024].

²⁸ BILATERAL WORKING GROUP OF THE GERMAN NATIONAL BISHOPS’ CONFERENCE AND THE CHURCH LEADERSHIP OF THE UNITED EVANGELICAL LUTHERAN CHURCH OF GERMANY: “*Communio Sanctorum*”. *The Church as the Communion of Saints*. Trans. M. W. JESKE, M. ROOT, D. R. SMITH. Collegeville, MN 2004.

- “The interdependence of synodality and primacy is a fundamental principle in the life of the Church. It is intrinsically related to the service of the unity of the Church at the local, regional and universal levels” (Conclusion, 5.4)
- “Our Lord prayed that his disciples ‘may all be one’ (Jn 17:21). The principle of synodality-primacy in the service of unity should be invoked to meet the needs and requirements of the Church in our time” (Conclusion, 5.5).²⁹

In this ecumenical context, it is impossible not to mention the necessary process of agreement between the disciplines of theology: dogmatic theology and canon law. It is about permanent scientific reflection, at the centre of which is the vision of the Church as *communio (koinonia)* and the ecclesiological model: *communio Ecclesiae et Ecclesiarum* (according to the principle of mutual immanence of universality and particularity).³⁰ The purpose is obvious. It was clearly indicated by John Paul II in the Apostolic Constitutions issued on the occasion of the promulgation of two bodies of law: the Code of Canon Law (1983) and the Code of Canons of the Eastern Churches (1990).

The following proclamation has an important place in the first Constitution:

Among the elements which characterize the true and genuine image of the Church, we should emphasize especially: [...] the Church’s commitment to ecumenism.³¹

²⁹ JOINT INTERNATIONAL COMMISSION FOR THEOLOGICAL DIALOGUE BETWEEN THE CATHOLIC CHURCH AND THE ORTHODOX CHURCH: “Synodality and Primacy in the Second Millennium and Today,” Alexandria, 7 June 2023, <http://www.christianunity.va/content/unitacristiani/en/dialoghi/sezione-orientale/chiese-ortodosse-di-tradizione-bizantina/commissione-mista-internazionale-per-il-dialogo-teologico-tra-la/documenti-di-dialogo/document-d-alexandrie---synodalite-et-primaute-au-deuxieme-mille.html> [accessed 15.01.2024].

³⁰ L. GEROSA: *Interpretacja prawa w Kościele. Zasady, wzorce, perspektywy*. Trans. K. KUBIS, A. POREBSKI. Kraków 2003, pp. 71–88. Catholic canonists writing in this area are associated with the Munich school: Klaus Mörsdorf (founder), Eugenio Coreccio, Winfried Aymans, Antonio Rouco Varela, Remigiusz Sobański, and Libero Gerosa.

³¹ JOHN PAUL II: *Apostolic Constitution for the promulgation of the new Code of Canon Law “Sacrae disciplinae leges”* [1983], https://www.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_25011983_sacrae-disciplinae-leges.html [accessed 15.01.2024].

In the second Constitution, the Pope underlines:

What pertains to the universal ecumenical movement, stirred up by the Holy Spirit to perfect the unity of the whole Church of Christ, the new Code is in no way the least obstacle but rather greatly advances it.³²

Cardinal Walter Kasper, not only an excellent theologian but also an expert in canon law, in a high-profile article (that appeared in *The Jurist*) entitled “Canon Law and Ecumenism,” included an accurate comment: “The codification and the subsequent legal activity of the Church cannot be limited to looking backwards to the *vetera* but have to take into account also the new thrusts and orientations of the Council.”³³ Indeed, the Church’s legislative activity — based on the assumption of the unity of divine and Church’s law — is intended to serve (*hic et nunc!*) to the work of unifying all people and everything in Christ, and through that broadening the God’s communion to the entire world.³⁴

What fits perfectly into the contemplation carried out here are the words of Pope Francis’ address to participants in the Conference promoted by the Society for the Law of the Eastern Churches in 2019, which are worth quoting *in extenso*:

³² John Paul II: *Apostolic Constitution for the promulgation of the Code of Canons of the Eastern Churches “Sacri Canones”* [1990], https://archive.org/details/ApostolicConstitutionSacriCanonesJohnPaulII1990/Sacri_Canones_Apostolic_Constitution_John_Paul_II_1990/ [accessed 15.01.2024].

³³ W. KASPER: “Canon Law and Ecumenism.” *The Jurist* 69 (2009), p. 175; cf. also H. HALLERMANN: “Rechtliche Grundlagen des ökumenischen Miteinanders. Ein Blick auf offizielle Texte und Verlautbarungen.” In: *Ökumene: Kirchenrechtliche Aspekte*. Ed. W. REES [Kirchenrechtliche Bibliothek, 13]. Wien 2014, p. 83.

³⁴ A. PASTWA: “The Law of the Church — the Law of Freedom.” In: *Religious Freedom Today, Ecumeny and Law* 4 (2016), pp. 119–120. The potential and creativity of canon law in building *communio* is aptly described by Christoph Ohly: “So lebt das Recht der Kirche aus einer Vorgegebenheit, die sich vom positiven göttlichen Recht (Offenbarung) wie vom natürlichen göttlichen Recht (Naturrecht) her bestimmt. Kirchliches Recht ist an diese Vorgegebenheit, die auch den Aufbau der kirchlichen Verfassung und das Leben der kirchlichen Gemeinschaft betrifft, gebunden. Es spiegelt demzufolge den Glauben der Kirche wider und verhilft seinen institutionellen Erfordernissen zur Verwirklichung, indem es dem Aufbau, der Förderung und der Realisierung der kirchlichen *communio* dient. Zugleich ist ihm jene notwendige Kreativität in Gesetzgebung und Rechtsgewohnheit eigen, die ein unersetzbares Instrumentarium für die Anforderungen der *communio* darstellt.” Ch. OHLY: “Personaladministration und Personalordinariat: Neue verfassungsrechtliche Strukturen im Hinblick auf die Entwicklung eines ökumenischen Kirchenrechts.” In: *Ökumene: Kirchenrechtliche Aspekte*. Ed. W. REES [Kirchenrechtliche Bibliothek, 13]. Wien 2014, p. 106.

Canon law is essential for ecumenical dialogue. Many of the theological dialogues pursued by the Catholic Church, especially with the Orthodox Church and the Oriental Churches, are of an ecclesiological nature. They have a canonical dimension too, since ecclesiology finds expression in the institutions and the law of the Churches. It is clear, therefore, that canon law is not only an aid to ecumenical dialogue, but also an essential dimension. Then too it is clear that ecumenical dialogue also enriches canon law.³⁵

Can we be surprised that immediately afterwards Pope Francis reaches for the example of synodality: “When translated into established institutions and procedures of the Church, synodality expresses the ecumenical dimension of canon law.”³⁶

These ideas are fully shared and promoted by the Cardinal Kurt Koch, the current president of the Dicastery for Promoting Christian Unity. He strongly emphasizes the importance of the synodal component of church legislation and categorically states that synodality, as an institutional expression of *communio Ecclesiae et Ecclesiarum*, influences the development of church law and canonical institutions.³⁷

Let us be specific, if we recognize the theological paradigm of synodality as an internal ontological dimension of *sacra potestas*, it becomes clear that primacy and synodality are not two isolated and competing principles of Church governance: in the first case — in personal form, in the second — in collegial form. Primacy and synodality do not compete with each other, but complement each other, they are complementary!

What conclusions on the level of canon law come from the mentioned ecumenical paradigm of synodality: a synodal Church is a Church of participation and co-responsibility? Renowned Catholic expert Johannes Oeldemann, Director at the Johann-Adam-Möhler-Institut für Ökumenik in Paderborn recently formulated — precisely in the ecumenical perspective reflected here — five theses in which the understanding and practice of synodality is expressed:

1. Synodality is constitutive of the Church because it corresponds to the nature of the Church as the people of God.

³⁵ FRANCIS: *Address to Participants in the Conference Promoted by the Society for the Law of the Eastern Churches*, 19.09.2019, https://www.vatican.va/content/francesco/en/speeches/2019/september/documents/papa-francesco_20190919_diritto-chieseorientali.html [accessed 15.01.2024].

³⁶ Ibidem.

³⁷ K. KOCH: “Posłowie.” In: L. GEROSA: *Interpretacja prawa w Kościele. Zasady, wzorce, perspektywy*. Trans. K. KUBIS, A. PORĘBSKI. Kraków 2003, p. 249.

2. To make synodality a reality, synodal bodies are needed at the local, regional, and universal levels.
3. In all Christian Churches there are synods, some of which have an advisory function and some of which have a decision-making function.
4. In most Churches, lay people participate in synods — sometimes more, sometimes less.
5. The decisions of synods are subject to a process of reception by the community of the faithful.³⁸

* * *

Progress in ecumenical dialogue — along the lines of “reconciled diversity” — is invariably a great challenge for the Christian Churches of East and West. It is precisely this progress that constitutes an important, if not the most important, reason justifying that certain legal norms hitherto in force should be revised and amended — with serious consideration of the synodal factor in the exercise of ecclesiastical authority. Ultimately, what is at stake in our ecclesial communities is the development of canon law in such a way as to more effectively carry out Christ’s call *Ut unum sint* within its own autonomous legal order, which is and will remain the Church’s order of freedom.

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³⁸ J. OELDEMANN: “Primat und Synodalität. Reflexionen über das Verständnis von Autorität in der Kirche in ökumenischer Perspektive.” In: *Das Verhältnis zwischen der lokalen, regionalen und universalen Ebene in der Kirchenverfassung. Ein Vergleich zwischen dem Recht verschiedener christlicher Konfessionen.* Eds. B. J. BERKMANN, A. ANAPLIOTIS [Beiträge aus dem Zentrum für ökumenische Forschung München, 7]. Berlin 2020, p. 45.

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ANDRZEJ PASTWA

Le droit canonique au service de l'œcuménisme

Résumé

Un événement survenu il y a 25 ans s'est gravé en lettres d'or dans l'histoire de l'œcuménisme. Du 7 au 9 mai 1999, le chef de l'Église catholique, le pape Jean-Paul II, effectua un voyage apostolique en Roumanie et, pour la première fois dans l'histoire, un pape visita un pays orthodoxe. Les paroles du pape prononcées lors de la cérémonie d'adieu furent le point culminant de cet événement: « Ici, sur la terre roumaine, il est particulièrement clair que l'Église respire avec ses deux poumons ». Ainsi, l'idée des deux poumons de l'Église (déjà présente dans l'enseignement du Saint-Père) s'inscrit durablement comme le pivot et le premier élément de la « triade » magistérielle, qui définit l'horizon herméneutique de la compréhension contemporaine des mots *Ut unum sint*. Les deux autres éléments, tout aussi importants, identifiés dans la grande encyclique portant le même titre, sont: l'idée/postulat d'une ecclésiologie eucharistique et l'idée/postulat d'une nouvelle forme d'exercice de la primauté (synodalité). Ce texte vise à montrer le rôle indispensable du *ius ecclesiasticum* (tant sur le plan législatif que dans l'application du

droit) dans le contexte de la nécessité d'une activité multiforme — cohérente mais aussi urgente (!), comme en témoigne l'engagement «synodal» du pape François — pour la mise en œuvre des paradigmes de la pensée œcuménique de Jean-Paul II.

Mots-clés: œcuménisme, paradigmes de la pensée œcuménique de Jean-Paul II, ecclésiologie eucharistique, synodalité, dialogue œcuménique comme dimension essentielle du droit canonique

ANDRZEJ PASTWA

Il diritto canonico al servizio dell'ecumenismo

Riassunto

Un evento avvenuto 25 anni fa si è iscritto a lettere d'oro nella storia dell'ecumenismo. Dal 7 al 9 maggio 1999, il capo della Chiesa cattolica, papa Giovanni Paolo II, compì un viaggio apostolico in Romania e, per la prima volta nella storia, un papa visitò un Paese ortodosso. Il culmine di questo evento furono le parole del papa pronunciate durante la cerimonia di commiato: «Qui, sulla terra rumena, è particolarmente chiaro che la Chiesa respira con entrambi i polmoni». Così, l'idea dei due polmoni della Chiesa (già presente nell'insegnamento del Santo Padre) fu definitivamente iscritta come cardine e primo elemento della «triade» magisteriale, che definisce l'orizzonte ermeneutico della comprensione contemporanea delle parole *Ut unum sint*. I due altri elementi, altrettanto importanti, identificati nella grande enciclica dallo stesso titolo, sono: l'idea/postulato di un'ecclesiologia eucaristica e l'idea/postulato di una nuova forma di esercizio del primato (sinodalità). Il presente testo intende mostrare il ruolo imprescindibile del *ius ecclesiasticum* (sia sul piano legislativo sia nell'applicazione del diritto) nel contesto della necessità di un'attività multilivello — coerente ma anche urgente (!), come testimonia l'impegno «sinodale» di papa Francesco — per l'attuazione dei paradigmi del pensiero ecumenico di Giovanni Paolo II.

Parole chiave: ecumenismo, paradigmi del pensiero ecumenico di Giovanni Paolo II, ecclesiologia eucaristica, sinodalità, dialogo ecumenico come dimensione essenziale del diritto canonico

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Dialogue between Canon Law and Law in Postmodern Europe

Abstract: The world today is described as postmodern. However, the forms of religious life still present in it allow it to be seen as post-secular. The programmatic removal of religion from social life has not achieved results. The continued presence of religion brings its characteristic values to social life. The world can draw on its unique normative intuition as expressed by Jürgen Habermas. The normative dimension of religion is also constituted by its law. For this reason, a reflection has been undertaken on the possibility of a dialogue between the law of the Church and the law in the world, in its postmodern view. An area of possible dialogue is the unity of the idea of law expressed in the plurality of legal orders. The determinants of this idea include, among others, equity, legal security and justice, which were presented as reference points for the possibility of dialogue between law and canon law.

Keywords: postmodernism, law, canon law, dialogue

The history of European law is also the history of canon law. Christianity, with its law that expressed the social dimension of the faith, entered a stagnant order in which religion had been one dimension of social and state activity. The universalism of the Christian religion, its autonomy from the Jewish and pagan worlds, its independence from the state, its eschatological orientation gave rise to the new phenomenon of the dualism of the secular and religious orders. With Christianity, a new experience of religious law begins to take shape.

Once the new faith has been granted freedom of worship and adopted as a state religion, the law of Christians becomes part of the experience

of the law of the state community.¹ This situation results in practical and theoretical consequences. On the practical side, the hitherto history of two independent legal experiences begins to exist as a history of *legum et canonum* reaching its culmination in the period of *christianitas europea* with its legal system expressed in the form of *utrumque ius*. On the theoretical side, there is a need to reflect on the law itself, on the implementation of the law in the law of the Church and the state community. The legal thought of this period is characterized by the idea of the unity of law.²

With the theses of Marsilius of Padua, the Protestant revolution in Europe, the formation of the modern state, there is a closing of canon law within the ecclesiastical community and a clear divergence between state law and canon law. The reflection on canon law in its apologetic function is carried out *ratione status*. It requires the demonstration and defense of elements common to state law and canon law. The distinctions between the two, which used to inspire each other in many areas of theoretical considerations and practical solutions, have been relegated to the metajuridical sphere. Canon law ceased to be an inspiration for state law. It could only draw from it, seeking to reflect what was acceptable.³ Canon law and the science of canon law have lost the ability to dialogue with new philosophical and legal currents, concepts of law. They adopted an attitude of withdrawal with the consequence of lagging behind contemporary legal culture. This attitude was the result of the position of the Church and the way in which she fulfilled her salvific mission.

The reflection on canon law from the middle of the previous century onwards, together with the redefined form of the Church's presence in the world at Vatican II, prompts the question of the possibility of dialogue between canon law and the law of political and state communities. The scope of consideration needs to be limited. The criterion of choice remains the European legal culture, to the formation of which canon law has made its undeniable contribution. However, it is a legal culture that exists in a world described as postmodern, where the law itself is subject to its influence and inspiration.

¹ R. SOBAŃSKI: "Prawo kościelne a prawo świeckie." *Prawo Kanoniczne* 30/3—4 (1987), pp. 64—65.

² L. GEROSA: *Teologia del diritto canonico: fondamenti storici e sviluppi sistematici*. Lugano—Varese 2005, pp. 35—60.

³ R. SOBAŃSKI: "Prawo kanoniczne a kultura prawnia." *Prawo Kanoniczne* 35/1—2 (1992), p. 26.

Postmodernism and the law

The periodization of human history and the definition of its successive stages of development largely remains conventional, which does not mean that it is not accepted, at least for the sake of facilitating discourse. An example is the identification of the modern era as modernist, or already postmodern, together with further questions about whether postmodernism is the culmination of modernism or is rather already its negation, a new stage of civilizational and cultural development. There are, however, certain factors of social life that are the basis for distinguishing the boundaries of the two different periods. Just as in the case of the birth of the modern era identified with the birth of capitalism and the modernization of the world associated with it, the beginning of postmodernity is indicated by the birth of post-industrial societies.⁴ Economic change is accompanied by social change, entailing political change and cultural change. The concept of postmodernism encompasses a set of different views (not always consistent between authors and within the same field of human life) concerning culture, social life, politics, man, art, science, religion, philosophy.⁵ Postmodernism is, therefore, a convenient term to describe postmodern reality and the changes taking place in it. The transformation of society can be understood by exploring its causes while confronting the underlying assumptions of postmodernism with the basic determinants of modernism and its consequences.

Max Weber pointed out that a characteristic element in the transition from traditional to modern society was the intellectualization and rationalization of the world, which made it possible to disenchant the world and master it through intellectual calculation. The rational approach to the world presupposed the possibility of achieving earthly goals without recourse to supernatural forces by calculating the means to do so.⁶ The consequence of rationalizing the world in this way was the disintegration of the hitherto homogeneous culture and the formation of a material, productive sphere that was autonomous in relation to worldview and religious values. Professional success remained merely a sign of the favour of divine providence. Another and significant consequence was the formation of three independent and autonomous cultural spheres: science,

⁴ A. SZAHAJ: "Co to jest postmodernizm?" *Ethos* 33—34/1—2 (1996), pp. 64, 68. In post-industrial society, the paradigm of production has been replaced by a paradigm of consumption, with the associated shift from a goods economy to a service economy. Consumption has become a new social obligation replacing labour.

⁵ A. BRONK: "Krajobraz postmodernistyczny." *Ethos* 33—34/1—2 (1996), pp. 82—83.

⁶ A. SZAHAJ: "Co to jest postmodernizm?..." pp. 65—66.

morality, and art, which broke away from subordination to the actualization of religious or mythical values. The determinant of science became truth. For law and morality, rightness was the benchmark. Art strove for authenticity. Each of the autonomous fields that made up culture embodied the idea of progress: science sought to recognize the ultimate truth about the world of nature and social life, law and morality to discover the absolute rightness (norm) arising from reason and not from religious persuasion, and art to express the truth about man by reaching into his depths.⁷

Postmodernism, understood as a specific form of reaction to cultural modernist currents, is not an unambiguous term. I will only indicate selected contents, important for further considerations. However, it can be stated with great conviction that just as in the case of modernity the unifying and organizing element was the category of rationalization (intellectualization), in the case of the postmodern era, such an element is endless pluralism (realism) and individualism which together create the space of multiculturalism. This space is deprived of the basic values of European culture present in the previous epoch, it denies the existence of an absolute, hierarchical, fixed, cultural system of values, norms and directives of behaviour, it assimilates non-European models of behaviour and postulates tolerance towards them as towards other forms of thinking and activity, emphasizing the originality of each difference. Postmodernism is a plan for stimulating the behaviour of individuals and societies and a set of ideas and recommendations that will enable people to live free and happy lives now and in the future.⁸

Both eras are characterized by a different approach to truth and science. While modernity was characterized by the belief in the possession of rational truth and the possibility of its discovery in the perspective of multidimensional progress, postmodernity is characterized by the negation of a world possessing definite and pre-existing properties and the possibility of its cognition. Modernist cognition was contextual, historical, conventional, and it was displayed within a community and culture. Thus, truth was the result of human creative activity, and facts (including scientific facts) were the result of the changing consensus of the research community.⁹ A common element of the modernist and postmodernist eras is the progressive and deepening process of the deformation of truth as a value. This is done by subjectivizing truth, idealizing it, internalizing it, and questioning it, or by denying it any meaning. The relegation

⁷ A. SZAHAJ: "Co to jest postmodernizm?...", p. 67.

⁸ A. BRONK: "Krajobraz postmodernistyczny...", pp. 83—84.

⁹ A. SZAHAJ: "Co to jest postmodernizm?...", p. 73.

of truth is linked to the expansion of the space for human freedom, with the free creation of human identity being the ultimate expression thereof.

Pluralism and relativism combined with doubts about the cognitive capacity of reason and the denial of truth as a cognitive possibility result in the impossibility of obtaining truth in relation to moral matters. Postmodernism does not see that there are some generalized moral rules. In this case, it continues the claims of an earlier era denying the existence of human nature and the necessity of rules, principles, and laws to guide the life of the community, expressing the relationship between the order of nature and the social order. However, whereas in the modern era the state existed as the embodiment of a process of rationalization within a particular community, the current situation involves a move away from the explicit conception of sovereignty and the associated phenomenon of the earlier homogeneity of law. The modern state realized the capacity to overcome the tension between formal rationality (law, procedures) and substantive rationality, which was embodied in the idea of justice and development. Law in the state, by organizing social life, guided its citizens towards the actualization of values.¹⁰ In contrast, according to postmodern claims, politics is practiced in defense of minority groups, marginal discourses, albeit not abstracting from global ideas (ecology). The hitherto hierarchical organization of power and its exercise gives way to the pursuit of particular interests. State-wide power is being weakened. The aim of social movements is to ensure that the cultural distinctiveness and local interests of communities are respected.¹¹ The state ceases to be a value and an objective. Its meaning changes as the political situation changes to one that is conducive to the pursuit of vested interests. This vision of the state is subordinated to the law. The pre-existing relationship of law to the truth or universality of the fact of social coexistence gives way to the role granted to law in the process of legitimizing and valuing social facts. The consequence of an individual and discursive understanding of law is the recognition of the concrete case as a source of justice.¹²

¹⁰ J. ONISZCZUK: *Filozofia i teoria prawa*. Warszawa 2008, p. 1061.

¹¹ A. SZAHAJ: "Co to jest postmodernizm?...", p. 69.

¹² J. ONISZCZUK: *Filozofia i teoria prawa...*, p. 1073.

Possibility of dialogue

In modernism and postmodernism, therefore, is there still a place for religion, including Christian religion understood not in terms of a fact of existence, but in terms of its place as a dimension of human life in the perspective of social life and law? To shed some light on this issue, I would like to recall some of the statements from a debate that took place in 2004 in Munich between the philosopher and atheist Jürgen Habermas and Cardinal Joseph Ratzinger. The topic of the debate was the pre-political and moral foundations of a democratic state, as can be seen from the title of the speeches of both speakers.¹³ The topic of the debate does not indicate that its content is the subject of my work. However, the debate itself and Habermas's approach to the need for religion in a secular world, the possibility of dialogue and the coexistence in one society of believers and non-believers provide a broader context for my reflections. The interlocutors also exchange views on the role of law in the state. And this is the reason why I am recalling this debate. I will only draw attention to the statements of the German philosopher as the voice of a man who seeks ways of understanding in social life, pointing out the interpenetration of the idea of justice and the idea of solidarity which are ultimately two aspects of the same thing.¹⁴ I omit the cardinal's statements as well as the exchange itself.

Habermas has not commented before on the place of religion in the post-metaphysical or already post-secular world, as he calls it, apart from a lecture entitled "Faith and Knowledge" delivered after the attack on the World Trade Center (2001).¹⁵ During the debate, he points out that religion is not a phenomenon belonging only to the past but is still present. For this reason, it is necessary to create a society in which conditions exist for the coexistence of believers and non-believers. The philosopher goes further by pointing out the positive role of religion in the process of secularization, which he relates to both believers and non-believers. For secularization, according to Habermas, is a process of mutual learning, in which mutually accommodating Enlightenment and religious traditions will accept social pluralism, clarify cognitive misunderstandings

¹³ S. OBIREK: "O sekularyzacji dialektycznie. Case-study Habermas — Ratzinger." *Humaniora. Czasopismo Internetowe* 6/2 (2014), p. 10.

¹⁴ A. SMROKOWSKA-REICHMANN: "Jürgena Habermasa koncepcja sprawiedliwości i solidarności w przestrzeni języka." *Przegląd Filozoficzny — Nowa Seria* 15/3 (2006), pp. 211—213.

¹⁵ S. OBIREK: "O sekularyzacji dialektycznie....," p. 8.

and recognize each other's limitations.¹⁶ Thus, a post-secular society should recognize and value the contribution that religion, with its cognitive and normative content, makes to the understanding of existing controversial content in public opinion.¹⁷

In a post-secular state, norms expressing the social behaviour expected by the state of believers and non-believers should therefore be developed through a procedural communication process.¹⁸ Secularization, for Habermas, breaks with the previous view of it as a boundary between the spheres of the sacred and the profane, the state and the Church. It should be understood as a principle of world-view balance in the face of possibly existing tensions between the two spheres in the state, which is a social community of believers and non-believers.¹⁹ The interaction between religion and reason is based on a tolerance that goes beyond passive acceptance. Its content is cooperation and freedom. However, this is a freedom different from that of a liberal society, which rejected any coercion in the name of freedom. The post-secular society tolerates coercion. However, it is coercion of a normative nature, which remains in proportion to the relationship between tradition and worldview. It only disallows coercion that violates the human conscience. For Habermas, a post-secular liberal and worldview-neutral state is a space of mutual coexistence between non-believers and believers who engage in dialogue recognizing the contribution of the Christian religion to the well-being of the whole community. Habermas remains far removed from modernist and Enlightenment approaches that eliminate religion from social life.²⁰

Habermas is convinced that it is possible for believers and non-believers, adhering to different world views or doctrines, to coexist in one state. This is determined by a worldview-neutral state in which the authority and rules of social life are based on acts of law and on a constitution. However, it is no longer law in its Enlightenment formulation as the result of legislative activity and the authority to which it remains subordinate. Habermas also does not recognize any justification of legal norms referring to the religious sphere or the objective good. Indeed, lawmaking is part of the process of communication on which the model of society is based. In his debate with Cardinal Ratzinger, he recalls his earlier reflections, emphasizing once again that "positive law can no longer derive its

¹⁶ Z. TEINERT: "Habermas i Ratzinger: wiara i wiedza w dobie sekularyzacji." *Poznańskie Studia Teologiczne* 20 (2006), p. 158.

¹⁷ C. FANTAPPIÈ: *Il diritto canonico nella società postmoderna. Lezioni universitarie*. Torino 2020, p. 387.

¹⁸ S. OBIREK: "O sekularyzacji dialektycznie...," p. 10.

¹⁹ Z. TEINERT: "Habermas i Ratzinger...," p. 158.

²⁰ Ibidem, pp. 167–168.

legitimacy from higher law. Modern law derives its legitimacy from the autonomy of the citizen, guaranteed equally to everyone.”²¹ The universality of procedures is not only a formal element determining the law. It also expresses a community of expectations, of values, which will be framed into legal norms in the process of argumentative communication (discourse). It also contributes to emphasizing the role of citizens, who do not remain mere passive addressees of the law, but become involved in the process of its formation.²² In a post-secular world, Habermas sees in law its universal vocation.²³

Religion and law are not independent of each other. Elements of legal monism can be discerned in Habermas’s thinking, as religion must conform to the constitutional requirements that determine its scope of activity but also its political responsibility. On the other hand, however, a dimension of legal dualism can be discerned in Habermas’s thinking, as religion enters public life with its characteristic normative intuition, independent of existing political, social and legal arrangements in society. By maintaining its independence, religion becomes involved in the process of secularization, influences consciousness and creates a social bond. Therefore, Habermas, when asking about the relevance of the sacredness of religion for enlightened, secular reason, points to its unique and exceptional normative intuition, which manifests itself in relation to guilt, but also redemption, salvation and the meaning of life. Religion, preserving within itself, in a mature and intact form, a sensitivity to moral evil, the pathologies of social life or even human error, can be an inspiration for non-believers in the perspective of building a common society with a sense of solidarity, justice, and the good life.²⁴

Areas of dialogue

The voice of Habermas in his debate with Cardinal Ratzinger may be regarded as isolated and far removed from the common experience of the modern era with its lines of thought and demands for action. However, it is a voice that has grown up in this epoch, seeing more deeply

²¹ J. HABERMAS: “O wewnętrznym powiązaniu między państwem prawa a demokracją.” *Przegląd Filozoficzny — Nowa Seria* 4 (1995), p. 63.

²² V. POSSENTI: “Stato, diritto, religione. Il dialogo tra Jürgen Habermas e Joseph Ratzinger.” *Roczniki Filozoficzne* 52/1 (2014), p. 73.

²³ L. CEPPA: *Habermas: le radici religiose del moderno*. Brescia 2017, p. 121.

²⁴ Z. TEINERT: “Habermas i Ratzinger...,” p. 162.

and broadly the possibilities arising from its assumptions. Although the debate between scholars dealt broadly with the question of faith and reason, focusing on the problem of the pre-political and moral foundations of the democratic state, I would like to emphasize the place of religion in the post-secular world as perceived by Haberman. He states that the undeniable existence of religion in a secularized society is a fact, which, however, cannot be treated like any other social fact. It must therefore be looked at not only from the point of view of its intrinsic claim, but as a cognitive proposition.²⁵ He therefore believes that postmodern society can draw from it, from its unique and unmistakable normative intuition insofar as it does so by appealing to religion itself, and its professional religious scholars.²⁶

In a similar vein, Cardinal Ratzinger points to the role of religion, although he goes beyond the circle of Western European culture dominated by Western reason and Christian religion. He sees that the crisis of European culture was brought about by the imposing omnipotence of reason and the failure of religion to enter into dialogue with other cultures and religions.²⁷

Both thinkers, a theologian and an atheist philosopher, remain in agreement about the place of religion in the postmodern world. Their debate and exchange of ideas, it would seem, remains somewhere on the sidelines of the changes taking place and the efforts to consolidate a certain social and organizational status quo. However, agreement itself makes it possible to overcome the stereotypical thinking around both religion itself and the modern world as two, if not hostile then at least incompatible realities and structures. This is because the mutual recognition of values leads to dialogue, and the initial assumptions indicated by the discussants make it possible to define its levels. The correct attitude in the perspective of the coexistence of believers and non-believers in the state is to agree that the mutual prejudices of religion and postmodernism are a thing of the past. Both the philosophical thought behind postmodernism and the religion in opposition to which it was formed cannot be ignored in today's debate. The place of mutual resentment should be taken by a dialogue aimed at understanding the intentions and premises of the two realities in the perspective,²⁸ as Cardinal Ratzinger put it, of a worldwide *ratio* and *ethos*.²⁹ The cardinal's intuitions aim to purge postmodernism of a certain logical error that can be seen

²⁵ Ibidem, p. 165.

²⁶ Ibidem, p. 162.

²⁷ Ibidem, p. 165.

²⁸ A. SZAHAJ: "Co to jest postmodernizm?...", p. 78.

²⁹ Z. TEINERT: "Habermas i Ratzinger...", p. 165.

when it tries to point to a kind of all-human ethics that appeals to freedom and relativism. The reconciliation of desires and goals requires the choice of a criterion of conduct, which depends on a description of reality. This description can be based on the choice of concepts in such a way that the agreement of goals can lead to the imposition of one's own goal. In contrast, the absence of an imposed description provokes the adoption of some principle of its objectivity, even being the most pragmatic, in the form of a conviction to act as if the world could be described objectively. This is because this pragmatism facilitates arriving at the necessary understandings. A pragmatic attitude thus leads to the recognition of an objective source of knowledge. The choice of what is best and safest for all is therefore not dictated by individual preferences, but ultimately remains determined by reality. Ultimately, truth retains its value.³⁰ This is what the theses put forward by Habermas in his proposal for a theory of communicative discourse aim towards.³¹

The possibility of a dialogue between law and religion is supported by concrete legal solutions that have their origins in religious references. Their value is recognized today in a world that is not only spoken of as postmodern but, as Habermas argues, already post-secular. The ingrained conviction of the total separation of the sacred and profane as the fruit of the process of secularization has failed to completely break with the religious inspirations at the root of today's legal institutions. And although they remain independent of each other, they are inextricably linked in their genesis. By way of illustration, the following legal solutions relating to: legal protection to the dead, institutions related to the provision of assistance to vulnerable people, parental authority, protection of the environment, protection of animals, invocation of God's name while taking an oath, bicameralism of parliaments, seats of public authority, legal protection of places commemorating a particular event or person.³² The legal institutions mentioned as examples now find their reasons for existence in non-religious causes, which does not change the fact that religious foundations were at the beginning of their presence in legal orders.

In addition to the institutions indicated, axiomatic values characteristic of Christianity such as the principle of equality or human dignity remain an inspiration for contemporary legal orders. Their modern vali-

³⁰ Ibidem, p. 165.

³¹ J. HABERMAS: *Faktyczność i obowiązywalność. Teoria dyskursu wobec zagadnień prawa i demokratycznego państwa prawnego*. Trans. A. ROMANIUK, R. MARSZAŁEK. Warszawa 2005.

³² M. NAJMAN: "The religious basis of contemporary law." *Kościół i Prawo* 13/1 (2024), pp. 93—96.

dation, far from being religiously motivated, does not annihilate the contribution Christianity has made to their lasting presence in legal orders. I believe that a contemporary dialogue between law and canon law is possible in this axionormative area of social life. I see the possibility of its existence in the practical and theoretical dimensions. The former is not about the practical possibilities of ecclesiastical legislation influencing secular legal orders, but about the constitutive practice of the life of the ecclesiastical community determined by the professed faith and the law indicating its social consequences. I consider the theoretical dimension of dialogue to be possible insofar as the theoretical and logical justifications of the ecclesiastical legal order stand at its core provoking and justifying the actions taken.

The two areas of dialogue, however, cannot be treated merely at the level of legal discourse. For if this were the case, we would only be dealing with a discourse of a legal nature, and canon law would exist as one of the legal orders, and hardly a useful one at that. If, on the other hand, religion is granted a place in the formation of society then canon law, in dialogue with law, should be accepted as the law of the Church within its mission. In this perspective, the question arises of the Church, which in fulfilling its mission in the world also has something to say with its law. The law of the Church cannot be alienated from the mission that the Church carries out. Only then can the contribution of the Church's law be seen in dialogue with the law. For what is at issue is the lasting, relatively permanent, inspiration of Church law, examples of which exist in today's legal institutions. If the law of the Church has contributed to the formation of European legal culture, it can still be present in it, but always as an internal law of the Church consistently implementing the principle of Christian dualism.

The Church and the world meet in dialogue when the world's openness to the unique intuition of religion is met and religion does not close in on itself, is not limited to its adherents. It is in this perspective that the Church must be seen to follow the principles expressed in the conciliar constitution *Gaudium et spes* in its mission of evangelization: 1) the Church seeks to bring help to society³³; 2) the Church receives help from the world.³⁴ The Church does not perform its mission for its own sake, it does not exist for its own sake, but for the sake of the world. And this is also the right perspective for considering its law. It requires a constant rethinking of one's own aims and assumptions made according to one's

³³ VATICAN COUNCIL II: *Pastoral Constitution on the Church in the Modern World* "Gaudium et spes", nos. 42—43.

³⁴ Ibidem, no. 44.

own conviction of faith. Canonical thought cannot be focused on the law of the Church or the Church alone, but its proper point of reference should be salvation history. The Church shapes its own legal structures to be a clear and unambiguous sign to the world. Its legal order is relevant in this perspective.³⁵

Although postmodernism seeks mind-independent truth, eliminates rational discourse with its rejection of the notion of objective truth, and promotes the right to express one's own opinion along with the cult of pluralism in all spheres of human culture, it is nevertheless oriented towards dialogue to create a society based on these principles.³⁶ An element that fosters the pursuit of a community beyond individualistic interests is global problems related to ecology, the global economy or the expanding conflicts related to increasing migration. These unplanned phenomena created by reality force the globalization of solutions and involuntarily steer towards a social structure with a common destiny. The law and its real layer (factoids) in the form of specific laws and established rules will play a major role in its realization. Realistically existing law is an experiential phenomenon. The search for solutions and rules can direct towards the normative intuitions of religion, including Christianity. For what in the layer of aspirations and pursuits remains a question of future realization is made present in Christianity. The idea of the unity and solidarity of mankind in the salvific perspective of all humanity is realized through the presence of Christians in the world. The law of the Church can serve as an example of the possibility of realizing communal aspirations for legal orders. Its provisions show how the tasks of building unity and solidarity are realized in the community of believers with its openness to the needs of the world.³⁷

The law does not close itself off from the reality layer. Closing the law in this area would limit the possibility of dialogue between the law of the Church and the law of contemporary communities. Dialogue cannot be reduced to a confrontation of concepts or comparisons at the level of specific legal solutions. These can only remain in a relationship of mutual inspiration. The point of reference for dialogue involving the law should be the legal consciousness of social groups for whom the law is a value that regulates and makes social life possible. This is the ideological

³⁵ R. SOBAŃSKI: "Prawo kanoniczne a kultura prawa...", p. 26.

³⁶ I. ZIEMIŃSKI: "Postmodernizm a dylematy człowieka." *Ethos* 33—34/1—2 (1996), p. 142.

³⁷ C. FANTAPPIÈ: *Il diritto canonico nella società postmoderna...*, p. 391. The author gives examples of normative solutions in which the salvific function of the Church's law is reflected in a world perspective (canons 211, 225 §1, 573 §1, 603 §1, 747 §2, 768 §1, 839 §1, 1173).

layer of law understood as the content of consciousness, the basis of which cannot be fully realized. The recognition and acceptance of the law presupposes some understanding of the law, which remains prior to rational and generalizing reflection. Law is put in the perspective of the accepted assumptions of social life. It encompasses the accepted principles, the assumptions, verifiable at the practical level, that underlie communal thinking and ideas, social practice, order, which are commonly believed to preserve forms of social coexistence.³⁸ These elements point to the ideological layer of the law, which cannot be ignored when considering the law. This is because it is in the light of ideological assumptions that specific legal solutions are evaluated. The ideological layer of law is determined by anthropological assumptions (the image of man), social assumptions (the structure of social life), ontological assumptions (the structure of reality), as well as common expectations related to the law itself (equity, justice, rule of law, expediency, security).³⁹ In the ideological layer, I see the possibility of a dialogue between canon law and the law, because in it the determinants of real law are specified. The real problem of a possible dialogue revolves around the question of the realization of law in law and what canon law can offer to law.

The determinants or criteria of the idea of law in which its assumptions are specified are expressed in different ways, but together they give orientation to the determination of the idea of law itself or its essence. There is the conviction that the law is to be just. Such law is based on values such as truth (in the process of law-making it is the existential dimension of the human person and in application the conformity of factual findings with reality), the good in the moral sense as the good of man and the common good), justice, human dignity.⁴⁰ The content of the idea of law is determined, in addition to those indicated above, by the expediency of law and legal security.⁴¹ In what follows, I will draw attention to three possible areas of dialogue: equity, legal security and justice. Their choice is conditioned by the aforementioned value of law perceived in the post-secular world, which concerns the process of legitimizing and valuing it more than the relationship of law to truth or the universality of the fact of social coexistence.

³⁸ R. SOBAŃSKI: "Prawo kościelne a prawo świeckie...", p. 68.

³⁹ R. SOBAŃSKI: "Prawo kanoniczne a kultura prawnia...", p. 27.

⁴⁰ W. DZIEDZIAK: "Wartość słuszności w wykładni prawa." In: *Wykładnia prawa. Aspekty teoretyczne i praktyczne*. Eds. J. POTRZESZCZ, B. LIŻEWSKI, Lublin, pp. 41—42.

⁴¹ A. Kość: "Znaczenie idei prawa dla tworzenia dobrego prawa." In: *Semel Deo dedicatum non est ad usum humanos ulterius transferendum. Księga pamiątkowa dedykowana ks. prof. dr. hab. Julianowi Kałowskemu MIC z okazji siedemdziesiątej rocznicy urodzin*. Eds. J. WROCEŃSKI, B. SZEWCUŁ, A. ORCZYKOWSKI. Warszawa 2004, p. 34.

When I speak of equity as a level of possible dialogue between canon law and law, I have in mind its legal concept. For its meaning derives from the problematic situation of law. The thread of agreement will not, therefore, be an equity which introduces extra-legal tendencies (forbearance, benevolence, leniency) relating to the law when evaluating its outdated and insensitive solutions to legal situations. Such equity is focused on the law, but no longer necessarily positively affects the human being in a difficult legal situation.⁴² It is a form of justice that invokes what is right and just in situations in which the general justice prescribing compliance with the law fails. *Epikeia* is a way out of a difficult legal situation in which it is not the law but the nature of things that is being judged, a situation in which the subject of the law who is obliged to obey it finds himself. Following Aristotle, it can be described as a correction of the law in the spirit of the legislator, or, recalling the category of justice characteristic of law, specific justice or the justice of a particular case. With the relativistic attitude present in today's public debate, *epikeia* is likely to make a comeback in the assessment of legal situations. The public debate around what is due more than what is right is shaped by conflict and agreement, influenced by ad hoc social situations. On the other hand, existing problems are provoked by the increasing juridization of social relations and the weakening possibilities of solving them with the help of the law, which leads to resentment towards it. The space of law as an objective social order is not seen as an area that favours discussion and exchange of ideas. Consequently, more and more importance is attributed to the interpretative skills of particular legal situations. Consequently, from a postmodern point of view, the approach to law somehow loses the objective and distanced form of its perception, and the source of justice is not the law itself, but the particular case and the discourse concerning it.⁴³ In such a situation, I see a role for *epikeia*, forgotten by legal orders, which can find a place between the requirements of objective law and concrete legal situations. Its application requires the appropriate prowess, since *epikeia* is not an ethical or legal compromise, but the ability to seek individual but always concrete justice.

A conducive motive for evoking *epikeia* is Aristotle's thought at its core and which can influence postmodern consciousness. The philosopher took at the starting point of his consideration of *epikeia* the democratic principle of equality of power and subjects (citizens), according to which all people were able to evaluate the requirements of a just social life

⁴² Ibidem, p. 41.

⁴³ J. ONISZCZUK: *Filozofia i teoria prawa...*, p. 1073.

in the realities of everyday life.⁴⁴ Christian thought, the moral and canonical tradition enriched Aristotle's doctrine by pointing out its applicability thanks to man's likeness to God, which he accesses through Christ. Thanks to practical reason and the grace of the Holy Spirit accompanying man, recourse to *epikeia* was considered legitimate, since in this way man could realize detailed justice by reading the binding requirements of the Christian life. According to the Christian understanding of *epikeia*, it is not a way of freeing oneself from the law, but of finding its meaning in an individual perspective with consequences in the social space. Man obeys the law as a free person. He responds to the imperative of the law by a conscious and free act of his will. He is not deprived of such responsibility by the law. Responsibility requires the consideration and confrontation of the concrete situation with the scope of validity contained in the law itself.⁴⁵ In the face of increasing judicialization on the one hand and the discursive search for justice on the other, Christian thought and the canonical tradition can become a point of reference for man's finding himself in relation to the law. Christianity does not negate man's conscious and free will when he is confronted with the necessity of making a just choice and reconciling it with the applicable law governing social relations. *Epikeia* allows man to behave decently and justly.

The determinants (criteria) of the idea of law also include legal security, which influences lawmaking and application. In the most general terms, this security concerns the certainty of human conduct, planning, shaping, securing human existence in the individual and social dimensions. Specific, mutual social expectations and the possibility of their realization require order in human relations. The security of existence is largely guaranteed by positive law when it can ensure the regularity and predictability of human behaviour. Security guaranteed by law requires the complement of legal security, that is, the one which the law realizes in itself.⁴⁶ Its content area is filled with: security of order, as it guides citizens by indicating the foreseeable legal consequences of their actions so that they can act in accordance with the law; security of implementation, namely, security of the law's effectiveness, the possibility of pushing it through in the face of other possible proposals or rejections of the law itself; stability of the law by eliminating sudden changes and ensuring continuity in the process of development and possible changes.⁴⁷ Legal security thus appears as a value of the law itself. By giving a sense of legal security to the addressees

⁴⁴ R. SOBAŃSKI: *Nauki podstawowe prawa kanonicznego. Teoria prawa kanonicznego*, Warszawa 2010, p. 130.

⁴⁵ Ibidem, pp. 132–133.

⁴⁶ A. Kość: "Znaczenie idei prawa dla tworzenia dobrego prawa...", p. 45.

⁴⁷ Ibidem, pp. 45–46.

of the law at the same time, the law can go beyond the temptations of its instrumentalization by the authorities. It can cease to be seen as an instrument of social pressure and thus become an argument on the side of the addressees in their involvement in community building. With legal security, citizens can influence and take responsibility for public life by performing public functions. In this perspective, I see the possibility of a dialogue between law and canon law. Canon law has a certain offer in this area stemming from two areas indicating security of the law and legal security. The first is due to the fact that canon law is the law of the community of faith, which underpins the legal order. It is the community that first gives a sense of certainty and security to the actions taken, which the law only specifies and in relation to which it has a servile role. Human relations in the ecclesial community are not shaped by the law, but by the faith of the community. The bonds of faith allow for a sense of security, since mutual social expectations and the possibility of their realization relate to similar and predictable expectations on the part of other believers in a salvific perspective. The security of existence in the ecclesial community is not guaranteed by positive law, but by the testimony of faith. It shapes predictable but at the same time demandable behavior. The second area of dialogue relates to the legal security existing in the law of the Church itself, its stability, as evidenced by the canonical tradition and lawmaking, which in its constitutive elements determines the shape of the ecclesial community. The universal character of the ecclesiastical community and the universality of the law are also elements that influence its stability. These elements influence the value of canon law and decisions made not only for the sake of goodness and equity, but for the sake of the law. The legal motives of just law coexist with moral motives and professed faith. Canon law can inspire non-believers in the perspective of building a common society with a sense of solidarity and justice. Indeed, adherence to canon law contributes to the building of ecclesial community.

I see a third area of possible dialogue between law and canon law in considerations concerning justice. On the one hand, this is a vast area in which it seems difficult to agree on the requirements of biblical justice far removed from the justice found in law. An additional problem is related to the different conceptions and understandings of it. On the other hand, however, justice is a concept so characteristic of and related to the law that it allows, and even demands, that it be viewed in some common perspective. Ecclesiastical law formulates its own requirements of justice with the assumption of the possibility of their realization. And it is precisely this possibility of realization, which takes human weakness and sinfulness into account, that makes the law, which upholds the identity

of the community, adapts the requirements of justice to the concrete situations regulated by the law. Consequently, the law of the Church also appears as the will of the legislator. Here it meets the law of the secular community, which finds itself in a similar situation.⁴⁸ In contrast, however, canon law sets certain minimum limits, which it considers to be impassable, and which ensure that the fulfilment of justice continues to be a testimony of the faith and not merely a complement to the law in force. It is the motivation in the fulfilment of justice that gives and reveals its meaning and significance. The practice of justice in the ecclesial community is the realization of a new justice as a testimony of God's love shown towards every human being. This primordial love and the commandment to love one's neighbour motivate actions of justice. For the just one is he who loves. In Christianity, love is not next to justice, but love forms justice, is its shape in living and preaching. Understood in this way, Christianity presents justice for the consideration of the secular community, in which the law is subjected to vested interests, is used as an instrument of social manipulation. The law of the Church can become an inspiration for looking at the law as an element of the cohesion and unity of society.⁴⁹ In dialogue with the law, it points to the meaning of law, the hopes and expectations commonly placed in it regarding the establishment of concrete duties, the regulation of social life, the orientation towards the common good as a sign of security and solidarity. Such a role of law as a universal value was seen by Habermas in the perspective of the democratic state.

Concluding remarks

The dualism of religious and secular orders requires respect for the autonomy of the dualism of legal orders. Law is a general concept, the perception of which depends on the forms of interpersonal relations recognized as valid in a particular community, but also on the expectations placed upon it. Even if it does not correspond to the criteria present in specific social groups, it does not mean that it is not so in others. The area of possible dialogue between different conceptions of law is therefore not primarily concerned with concrete solutions, which remain the subject of comparative legal research. However, they certainly acquire value in

⁴⁸ R. SOBAŃSKI: "Prawo kanoniczne a kultura prawa...", p. 29.

⁴⁹ R. SOBAŃSKI: "Prawo kościelne a prawo świeckie...", p. 70.

the cognitive perspective of the ways in which the law is realized in specific legal orders as well as enable dialogue at the level of the idea of law. In the dialogue at the level of the idea of law, there is a place for the law of the Church, at the core of which are the immutable values that have given shape to the life of the community of believers.

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TOMASZ ROBERT GAŁKOWSKI

Dialogue entre le droit canonique et le droit civil dans l'Europe postmoderne

Résumé

Le monde contemporain est qualifié de postmoderne. Pourtant, les formes de vie religieuse qui y subsistent permettent encore de le considérer comme post-séculier. La suppression programmée de la religion de la vie sociale n'a pas produit les effets escomptés. La présence constante de la religion apporte à la vie sociale des valeurs qui lui sont propres. Le monde peut puiser dans son intuition normative unique, comme l'a souligné Jürgen Habermas. La dimension normative de la religion se manifeste également à travers son droit. C'est pourquoi une réflexion a été entreprise sur la possibilité d'un dialogue entre le droit de l'Église et le droit du monde, dans sa conception postmoderne. Le champ de ce dialogue possible réside dans l'unité de l'idée de droit, qui se traduit dans la pluralité des ordres juridiques. Parmi les repères de cette idée figurent notamment: l'équité, la sécurité juridique et la justice, présentées comme des points de référence pour envisager un dialogue entre le droit et le droit canonique.

Mots-clés: postmodernisme, droit, droit canonique, dialogue

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Dialogo tra il diritto canonico e il diritto civile nell'Europa postmoderna

Riassunto

Il mondo contemporaneo è definito postmoderno. Tuttavia, le forme di vita religiosa ancora presenti permettono di considerarlo post-secolare. La rimozione programmata della religione dalla vita sociale non ha prodotto i risultati attesi. La costante presenza della religione introduce nella vita sociale valori che le sono propri. Il mondo può attingere alla sua irripetibile intuizione normativa, come ha sottolineato Jürgen Habermas. La dimensione normativa della religione si manifesta anche attraverso il suo diritto. Per questo motivo è stata intrapresa una riflessione sulla possibilità di un dialogo tra il diritto della Chiesa e il diritto del mondo, nella sua concezione postmoderna. L'ambito di questo possibile dialogo risiede nell'unità dell'idea di diritto, che si esprime nella pluralità degli ordinamenti giuridici. Tra i criteri di questa idea figurano, tra gli altri: l'equità, la certezza del diritto e la giustizia, presentati come punti di riferimento per immaginare un dialogo tra il diritto e il diritto canonico.

Parole chiave: postmodernismo, diritto, diritto canonico, dialogo

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Ecclesia in Europa: Biblical-Theological and Organizational-Structural Aspects of the Exhortation

Abstract: The present article discusses John Paul II's exhortation *Ecclesia in Europa* (2002), focusing first on the biblical sources of its systematics. In fact, the framework of the exhortation is defined by several passages taken from the Revelation of St. John; however, the text is also filled with other biblical references. The origins of the Trinitarian theological inspiration in the exhortation relate to the preparations for the Great Jubilee of the year 2000, since each of the three years preceding the Jubilee was dedicated to one of the three persons of the Holy Trinity. On the one hand, the exhortation expresses hope for the European continent, whose unique source is the person of Jesus Christ; on the other hand, it does not obfuscate the problems the Church in Europe faces, for instance, abandoning the sacrament of reconciliation and the moral principles of premarital purity, favouring new ecclesial movements at the expense of a parish pastoral model; excessive activism accompanied by a lack of contemplation. The exhortation welcomes the process of European integration and its organizational and institutional guarantees. Thanks to the Council of European Bishops' Conferences (CCEE), this dynamic also finds a reflection in the Catholic Church itself. However, the exhortation takes a critical view of abortion and euthanasia, as forms of attack on innocent human life.

Keywords: Synod, exhortation, Europe, hope, Christ, Trinity, Revelation of St. John, Catholic Church, ecumenism, sacraments, pastoral care, parish, celibacy, liturgy, European Union, institutions

1. The circumstances surrounding the publication of the exhortation

Pope John Paul II's post-synodal apostolic exhortation *Ecclesia in Europa* was issued after the Second Special Assembly of the European Synod of Bishops. The first Synod took place in 1991, shortly after the fall of communist regimes in Eastern and Central Europe; the second was celebrated in 1999 and inspired by the "magnet" that John Paul II saw as an extraordinary worldwide pastoral opportunity, namely, the occasion of the Great Jubilee of the year 2000. It is thus no coincidence that the central theme of the first Synod of 1991 was the regained freedom in the former Eastern Bloc; it was celebrated under the motto "So That We Might Be Witnesses of Christ Who Has Set Us Free." Similarly, the entry into the third millennium was the inspiration for both the motto of the Second Synod for Europe, and the subtitle of the subsequent exhortation: *Jesus Christ alive in his Church, the source of hope for Europe.*¹

The Synod proclaimed that the celebration of the Jubilee and the entry into the third millennium were signs of hope; however, this hope seems to have been undermined in Europe. The synodal *Instrumentum laboris*, whose many suggestions the Pope incorporated into the final text of the exhortation, states for example that it would be necessary "to proclaim this message of hope to a Europe which seems to have lost sight of it."² At the time the wall separating the West and the East fell, Europe was full of expectation; less than a decade later one could notice rather an atmosphere of uncertainty and groping. By organizing the Second Synod on Europe, John Paul II wanted to offer a sign of hope and determination. It is worth noticing that Benedict XVI's theologically profound encyclical *Spe salvi* (2007)³ also dealt with the same theme; in fact, the focus of John Paul II's exhortation on the Church in Europe in many ways anticipated Benedict's encyclical. Nevertheless, the exhortation is not so much about an eschatologically oriented, that is, supernatural (theological) hope,⁴ but mainly about the hope in the lives and perspectives of the

¹ JOHN PAUL II: *Post-Synodal Apostolic Exhortation "Ecclesia in Europa"* (23.06.2003).

² *Ecclesia in Europa*, no. 2, according to the "Instrumentum laboris 3." *L'Osservatore Romano*, 6 August 1999 — Appendix, p. 3.

³ *Acta Apostolicae Sedis* 99 (2007), pp. 985—1027.

⁴ "Definition: *Spes est virtus infusa, qua certa cum fiducia propter omnipotentiam Dei auxiliantem expectamus at consecutam tam aeternam beatitudinem quam media ad eam consequendam necessaria.* Hope is an infused virtue, by which, given God's assisting omnipotence, we expect eternal beatitude with certain confidence, and strive for it as

people of one particular continent at the turn of the millennium. Thus it resembles the Constitution *Gaudium et spes* of Vatican II, written in the optimistic atmosphere of the 1960s: the will to embrace the whole world and convey it a message of hope, albeit perhaps in a somewhat reductive perspective.⁵ Precisely in order to grasp the atmosphere of hope credibly, the tone of the exhortation *Ecclesia in Europa* is not unnecessarily negative, but rather realistic and sober: “With a *loving gaze* the participants in the Synod did not hesitate to look at the present reality of the Continent, noting both its light and its shadows.”⁶

2. The Revelation of Saint John as a biblical pattern of the exhortation

The extraordinary nature of the exhortation is also expressed by the surprising biblical framework of the whole text, that is, by the various passages taken from the last book of the New Testament canon, the Revelation of Saint John. Given the challenges the text presents for both exegesis and homiletics, it would seem rather unlikely that the Apocalypse could be the lynchpin of an ecclesiastical document dealing with the current problems of the Church and the European continent, almost two millennia after it was written.⁷ Each of the six chapters of the exhortation uses a motto, that is, a short passage from the Apocalypse. However, those are not passages from the most dramatic, darkest visions, but rather from parenetic and hymnic utterances.

well as for the means necessary to attain it.” J. SKOBLÍK: *Přehled křesťanské etiky*. Praha 1997, p. 128.

⁵ “This positive attitude, however, lacks real theological depth. The document shows how the Christian expectation of the future age was here and there mixed with hopes of a technical or civilizing character, and no mention of sin was made in the draft. Indeed, this can be seen as a serious shortcoming, for an effort to build a better world which no longer asks about the intrinsic nature of the evil it seeks to eliminate is unrealistic and doomed to failure.” K. SKALICKÝ: *Radost a naděje*. Řím 1968, p. 240.

⁶ *Ecclesia in Europa*, no. 3.

⁷ “There are times when the Revelation is rather silent, and times when it begins to be better understood. If we have the impression that there is something darkly incomprehensible defying our understanding when we read it, it is good news about the times in which we live. If the Revelation begins to ‘speak’, we must only allow the text to tell us the good news. The apocalypse is good news for a bad time.” J. MRÁZEK: *Zjevení Janovo*. Praha 2009, p. 12.

The first chapter of the exhortation, “Jesus Christ is Our Hope,” quotes the words of the Risen One from the opening chapter of the Revelation, where he lets himself be recognized by John and comforts him: “Fear not, I am the first and the last, and the living one.”⁸ Just as the Risen One once addressed John, He now addresses Europe. He is a sign of hope for her, even though her population often finds themselves in despair: “This loss of Christian memory is accompanied by a kind of *fear of the future*. Tomorrow is often presented as something bleak and uncertain. The future is viewed more with dread than with desire. Among the troubling indications of this are the inner emptiness that grips many people and the loss of meaning in life. The signs and fruits of this existential anguish include, in particular, the diminishing number of births, the decline in the number of vocations to the priesthood and religious life, and the difficulty, if not the outright refusal, to make lifelong commitments, including marriage.”⁹

The motto of the two chapters of the exhortation are excerpts from the letters to ecclesial communities.¹⁰ The task of these seven specific local communities in Asia Minor was to listen to what the voice, mediated by the written prophetic word, had to say. This is presented in totality, and thus applicable to the whole Church, not just to these individual local communities.¹¹ The second chapter, entitled “The Gospel of Hope Entrusted to the Church of the New Millennium,” is introduced by part of a verse from the fifth epistle addressed to the church community in Sardis: “Awake, and strengthen what remains and is on the point of death.”¹² Indeed, the point is a realistic view of the state of Europe, which has largely abandoned its Christian roots: “The serious situation of indifference towards religion on the part of so many Europeans, the presence of many people even on our continent who do not yet know Jesus Christ and his Church and who are not baptized, the secularism which poisons a wide spectrum of Christians who habitually think, make decisions and live, ‘as if Christ did not exist’, far from extinguishing our hope, make this hope more humble and more able to trust in God alone. It is from his mercy that we receive *the grace*

⁸ Rev 1:17—18.

⁹ *Ecclesia in Europa*, no. 8.

¹⁰ Cf. Rev 2—3.

¹¹ “John’s letters to the seven churches in Asia Minor never existed as separate letters. Their whole was not created by collecting and combining John’s correspondence, and the letters lack the usual letter form. All indications suggest they are a literary whole, intended to address not only the seven congregations together, but the entire church of their day.” V. A. ŽÁK: *Apokalypsa. Výklad knihy Zjevení Janova*. Praha 2005, p. 20.

¹² Rev 3:2.

*and call to conversion.”*¹³ The subtitle of the fifth chapter, “Serving the Gospel of Hope,” devoted to the *diakonia* to be served by the Church in Europe, draws from a letter of one of the ecclesial communities, namely that of Thyatira: “I know your works, your love and faith and service and patient endurance [...].”¹⁴ In this context, the Pope addresses the Church herself: “The appeal to exercise an active charity, which the Synod Fathers addressed to all the Christians of the European continent, represents the happy synthesis of an authentic service of the Gospel of hope. I now propose it anew to you, the Church of Christ in Europe.”¹⁵

The third chapter, “Proclaiming the Gospel of Hope,” is devoted to the Church’s proclaimatory role. It is introduced with the call “Go, take the scroll which is open [...] take it and eat.”¹⁶ For many centuries, the Church spread the Gospel through its mission *ad gentes*; however, a paradoxical situation has now set in, with some of the later evangelized continents showing a greater vitality of faith than Europe itself. Europe is now in urgent need of a “new” evangelization. Here again the Pope exhorts the Church: “*Church in Europa*, the ‘new evangelization’ is the task set before you! Rediscover the enthusiasm of proclamation. Hear today, addressed to you at the beginning of this third millennium, the plea heard at the beginning of the first millennium, when a man of Macedonia appeared in a vision to Paul and begged him: ‘Come over to Macedonia and help us!’ (Acts 16:9).”¹⁷

The fourth chapter, entitled “Celebrating the Gospel of Hope,” is introduced with a quotation from the hymnic doxology where all creation responds to the voices of heavenly liturgy echoing from the earth: “To him who sits upon the throne and to the Lamb be blessing and honour and glory and might for ever and ever!”¹⁸ Indeed, this section of the exhortation is devoted to the liturgy: “It consists in rediscovering the sense of ‘mystery’; in renewing liturgical celebrations so that they can be more eloquent signs of the presence of Christ the Lord; in ensuring greater silence in prayer and in contemplation; in returning to the Sacraments, especially the Eucharist and Penance, as wellsprings of freedom and new hope.”¹⁹ The Pope addresses the Church on the European continent also on this matter: “For this reason, I urgently invite you,

¹³ *Ecclesia in Europa*, no. 26, according to the “Final Declaration of the Synod of Bishops,” *L’Osservatore Romano* 4, 23 October 1999, p. 5.

¹⁴ Rev 2:19.

¹⁵ *Ecclesia in Europa*, no. 104.

¹⁶ Rev 10:8—9.

¹⁷ *Ecclesia in Europa*, no. 45.

¹⁸ Rev 5:13.

¹⁹ *Ecclesia in Europa*, no. 69.

the Church living in Europe: be a Church that prays, praises God, recognising his absolute primacy, magnifying him with joyful faith. Rediscover the sense of mystery: live it with humble gratitude; testify to it with conviction and contagious joy. Celebrate the salvation which comes from Christ: welcome it as a gift which makes of you its sacrament; make your life a true spiritual worship pleasing to God (cf. Rom 12:1).²⁰

The theme of the third chapter is *martyria*, the witness of the ministry of the word; the fourth, *leiturgia*, celebration, worship; and, finally, the fifth, *diakonia*, the ministry of love. This order also has a logical sequence: firstly, the Word of God is proclaimed, then celebrated in sacramental signs, which leads Christians to acts of love: “Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me.”²¹ The remaining one is *koinonia*, the fraternal communion of Christians and their coexistence with all “people of good will” on the European continent. This is the subject of the sixth chapter, “The Gospel of Hope for the New Europe,” accompanied by the motto of the final, eschatological section of Revelation: “And I saw the holy city, new Jerusalem, coming down out of heaven.”²² Nevertheless, the sixth chapter of the exhortation deals more with fostering human coexistence on this earth and on the European continent. Indeed, the Church has always had something to say in this respect: “There can be no doubt that the Christian faith belongs, in a radical and decisive way, to the foundations of European culture. Christianity in fact has shaped Europe, impressing upon it certain basic values. Modern Europe itself, which has given the democratic ideal and human rights to the world, draws its values from its Christian heritage.”²³

In papal documents a conclusion is usually manifested by a Marian climax, that is, commemorating or invoking the Virgin Mary.²⁴ The final part of the exhortation, “Entrustment to Mary,” is dedicated to the Mother of God; it is based on the following verse from the Book of Revelation “A great portent appeared in heaven, a woman clothed with the sun.”²⁵ In fact, especially the Catholic tradition has imprinted the reading of the twelfth chapter of Revelation with a Marian seal, which

²⁰ Ibidem.

²¹ Mt 25:40. All the biblical quotes are taken from *The Revised Standard Version of the Bible: Catholic Edition*, available at <https://www.biblegateway.com/>.

²² Rev 21:2.

²³ *Ecclesia in Europa*, no. 108.

²⁴ “The Roman theologian Carlo Passaglia SJ has compiled a rich inventory of the extant designations of the Virgin Mary, especially concerning her purity and holiness, from all the available tradition. This tradition has also entered the papal encyclicals.” H. M. KÖSTER: “Die marianische Spiritualität religiöser Gruppierungen.” In: W. BEINERT, H. PETRI: *Handbuch der Marienkunde*. Regensburg 2004, p. 463.

²⁵ Rev 12:1.

in non-Catholic settings is far from being accepted. However, an ecclesiological exegesis of the passage about the “woman clothed with the sun” allows for a conciliatory view.²⁶ Indeed, the exhortation itself accepts such a conception: “*The woman*, clothed with the sun, in travail and ready to give birth (cf. Rev 12:1–2), can be seen as the Israel of the Prophets which gives birth to the Messiah ‘who is to rule all the nations with a rod of iron’ (Rev 12:5; cf. Ps 2:9). But she is also the Church, the People of the New Covenant, subjected to persecution and yet protected by God.”²⁷ In the following section, the Pope moves onto a Mariological re-designation: “The woman who gives birth to her son also brings to mind the Virgin Mary, especially at that moment when, transfixed by suffering at the foot of the Cross, she begets her Son anew as the victor over the prince of this world. She is then entrusted to John who in turn is entrusted to her (cf. John 19:26–27), and thus she becomes the Mother of the Church.”²⁸ The Pope also refers to the living Marian veneration which has taken a visible root in Europe: “Thanks to the countless Marian shrines dotting the nations of the continent, devotion to Mary is very strong and widespread among the peoples of Europe.”²⁹

3. The Trinitarian inspirations in the exhortation

The celebration of the Second Synod for Europe was undoubtedly influenced by the preceding Great Jubilee of the Year 2000 and their preparations. John Paul II had decided to dedicate each of the preceding years to one of the persons of the Trinity: the year 1997 focused on Jesus Christ, 1998 on the Holy Spirit, and, finally, 1999 on God the Father. The celebration of the Jubilee Year 2000 thus saw a concentration on the Trinitarian divine fullness. This was also reflected in the theological attention given to the Trinity by the Synod on Europe and in the exhortation *Ecclesia in Europa*: “The Synod wished to set forth once more the figure of Jesus, alive in his Church, who reveals God as Love, a communion of

²⁶ “In Mary, the entire people of God is as if ‘concentrated’. However, the Reformers themselves held that everything said about Mary also applies to the Church and vice versa. This place should not thus be read ‘more Protestant’ than the Reformers did.” K. BERGER: *Kommentar zum Neuen Testament*. Gütersloh 2001, p. 1026.

²⁷ *Ecclesia in Europa*, no. 122.

²⁸ *Ibidem*, no. 123.

²⁹ *Ibidem*, no. 124.

the three divine Persons.”³⁰ Although the traditional theological elaboration on the relations of the persons of the Holy Trinity based on metaphysical vocabulary is not the subject of reflection in the exhortation,³¹ the biblical expression meaning ‘communion’ (*koinonia, communio*) still has a sufficient communication potential. This model of unity in plurality also represents a model for the authentic construction of structures which would otherwise run the risk of becoming empty: “Jesus Christ is our hope because *he reveals the mystery of the Trinity*. This is the core of the Christian faith, and it can still make a significant contribution, as it has in the past, to the creation of structures which, inspired by the great values of the Gospel or measuring itself against them, are capable of promoting the life, history and culture of the different peoples of the Continent.”³²

In the exhortation, the Holy Trinity is conceived as inspiration of the processes that have taken place in Europe and continue until today: “[The Church] consistently desires to respect the legitimate autonomy of the civil order. Nevertheless, she has the task of reviving faith in the Trinity among the Christians of Europe, knowing full well that this faith is the herald of authentic hope for the continent. Many of the great paradigms of reference mentioned above, which are at the core of European civilization, have their deepest roots in the Church’s trinitarian faith. This faith contains an extraordinary spiritual, cultural and ethical potential which is also capable of shedding light on some of the more important questions discussed in Europe today, such as social disintegration and the loss of a meaningful point of reference for life and history. Hence the need for a renewed theological, spiritual and pastoral meditation on the mystery of the Trinity.”³³

The dynamic development of ecumenical relations among various churches in Europe the Pope attributes to the Holy Spirit: “We thank the Lord for the great and encouraging sign of the progress made by the ecumenical journey towards truth, love and reconciliation. This is one of the great gifts of the Holy Spirit to the European continent, where serious

³⁰ Ibidem, no. 4.

³¹ “In fact, the rejection of the old ontotheology means rejecting the game dealing with merely affirmative and non-paradoxical pronouncement of the divine. It opposes the diminution and glorification of God the Father, Son and Holy Spirit. However, if this old theology is applied reverently and no longer pretends to enunciate the divine, if it is iconic without ideology, and does not lead to the idolatry of the genius brain that constructs it all, if it is essentially apophatic, it is neither inimical to the eternal mystery of the Ineffable nor to the freedom of the divine image.” C. V. Pospíšil: *Jako v nebi, tak i na zemi. Náčrt trinitární teologie*. Praha 2007, pp. 447–448.

³² *Ecclesia in Europa*, no. 19.

³³ Ibidem, no. 19; cf. *Propositio*, 4,1.

divisions between Christians have arisen in the second millennium and which is still suffering from their consequences.”³⁴ According to the personal testimony of John Paul II, the Holy Spirit also encourages young people on their journey of faith: “I can still see clearly *the joyful faces of so many young people*, the true hope of the Church and of the world and an eloquent sign of the Spirit who unceasingly causes new energies to arise. I have met them during my travels to various countries and during the unforgettable World Youth Days.”³⁵

The Christological focus of the exhortation is centred on the Resurrection of Christ and the implicit hope for all Christians, the Church and the whole of Europe. Jesus is “the first-born of the dead”³⁶: the Church places him before the eyes of the faithful as the One in whom has already been realized what will be seen in us when he “change[s] our lowly body to be like his glorious body.”³⁷ However, already in this world Catholic Christians enjoy the means of supernatural life, especially in the sacraments. This is the theology of the Johannine scriptures, that is, the theology of the “realized” eschatology,³⁸ which is succinctly expressed for instance in the first of the Epistles attributed to John: “We know that we have passed out of death into life, because we love the brethren.”³⁹ In terms of thus conceived active charity, the Pope mentions above all the “option for the poor” despite the fact that Europe is — next to North America — the richest continent in the world, given the available data: “The whole Church is called to *give new hope to the poor*. In the Church, to welcome and serve the poor means to welcome and serve Christ (cf. Mt 25:40). *Preferential love for the poor* is a necessary dimension of Christian existence and service to the Gospel.”⁴⁰

The problem of immigration in Europe was also a major issue already at the time the exhortation was issued; however, the situation escalated and many years later migration became a significant policy issue. The approach of John Paul II and the synod fathers of the time took seems balanced.

³⁴ *Ecclesia in Europa*, no. 17.

³⁵ Ibidem, no. 62.

³⁶ Cf. 1 Cor 15:20; Col 1:18.

³⁷ Cf. Phil 3:21.

³⁸ “The strong emphasis on the present arises from the elementary experience and conviction that the saving event in Jesus Christ is not a matter of the past, but is immediately present in its soteriological dimension, namely in the sacraments and in the action of the Paraclete. This spreads the temporal and spatial levels in John. [...] In the Paraclete, the heavenly Revelator also remains present in his communion after his exaltation, thus removing the essential distinction between heaven and earth.” U. SCHNELLE: *Theologie des Neuen Testaments*. Göttingen 2007, p. 703.

³⁹ 1 John 3:14a.

⁴⁰ *Ecclesia in Europa*, no. 86.

On the one hand, there is no doubt that “the phenomenon of migration challenges Europe’s ability to provide for forms of intelligent *acceptance and hospitality*.⁴¹ On the other hand, the Pope says, “public authorities have the responsibility of controlling waves of migration with a view to the requirements of the common good. The acceptance of immigrants must always respect the norms of law and must therefore be combined, when necessary, with a firm *suppression of abuses*.⁴²

In His Church, the Risen One is also re-presented in the act of celebration. In the context of the liturgy, the Trinitarian dimension finds yet another echo: “The liturgy must be experienced as the work of the Trinity. It is the Father who works in the celebrated mysteries on our behalf; he speaks to us, forgives us, listens to us, gives us his Spirit; to him we turn, to him we listen, to him we praise and invoke. Jesus does this for our sanctification and makes us partakers of his mystery. It is the Holy Spirit who works by his grace and makes us the body of Christ, the Church.”⁴³ Those who remove the element of mystery from the liturgy in undisciplined, arbitrary ways harm the very sacredness of the liturgy: “True renewal, far from depending on arbitrary actions, consists of constantly developing an awareness of the sense of mystery, in order to create liturgical moments of communion with the great and holy mystery of the Trinity.”⁴⁴ At this point, we see how necessary and indispensable liturgical and canonical discipline is, so that the mystery of God may be made manifest in the action of the Church. The practical alienation of the faithful from the liturgy presents yet another pressing issue: “Many of the baptized live as if Christ did not exist: the gestures and signs of faith are repeated, especially in devotional practices, but they fail to correspond to a real acceptance of the content of the faith and fidelity to the person of Jesus.”⁴⁵

4. The activity of the Catholic Church in Europe

As regards the sacrament of reconciliation for individuals, the Pope and the Synod Fathers were also aware of its disappearance of in many

⁴¹ Ibidem, no. 101.

⁴² Ibidem.

⁴³ Ibidem, no. 71.

⁴⁴ Ibidem, no. 72.

⁴⁵ Ibidem, no. 47.

Western European countries.⁴⁶ They tackle the situation with a call: “For this reason the Sacrament of Reconciliation needs to be revitalized in the Church in Europe. It must be reaffirmed, however, that the form of the sacrament is the personal confession of sins followed by individual absolution. This encounter between the penitent and the priest should be encouraged in any of the forms provided for *in the rite of the sacrament*. Faced with the widespread loss of the sense of sin and the growth of a mentality marked by relativism and subjectivism in morality, every ecclesial community needs to provide for the serious formation of consciences. The Synod Fathers have insisted on the recognition of the reality of personal sin and the necessity of personal forgiveness by God through the ministry of the priest. Collective absolutions are not an alternative way of administering the Sacrament of Reconciliation.”⁴⁷

The Pope also did not gloss over the fact that broad swaths of Catholics are abandoning moral principles in sensitive areas, especially as regards the education of young people to chastity: “With respect to *young people and engaged couples*, particular attention must be given to providing *education in love* through special programmes of preparation for the celebration of the Sacrament of Matrimony, as a means of helping them to live chastely as they prepare for this moment. In her educational activity the Church must also demonstrate a concern to provide guidance and support to newly-married couples after the celebration of their wedding.”⁴⁸ Abortion, too, remains a widespread evil in affluent Europe: “Together with the decline in the birth-rate, mention should be made of other factors that have obscured the sense of the value of life, and led to a kind of conspiracy against life. Sadly, among these factors must be numbered, first of all, the spread of *abortion*, also through the use of chemical-pharmaceutical preparations which make abortion possible without the involvement of a physician and in a way detached from any form of social responsibility. This is favoured by the fact that the legal systems of many European countries contain legislation permitting an act which remains an “abominable crime.”⁴⁹

⁴⁶ “Is it not true that in many countries today, especially in Western Europe, we are witnessing a certain alienation, sometimes even disastrous, in relation to this sacrament? If, by God’s grace, the situation is different in your country, let us thank the Lord; however, let us work wisely to avoid the spread of this contagion any further, be it through the press, the media, schools or various meetings. Do not let yourselves be colonized; rather, be convinced apostles!” M. PIACENZA: “Spovedník — svedok Božej milosrdej lásky.” In: *Kurz pre spovedníkov. Príspevky z prednášok konaných 6. — 8. septembra 2016 v Spišskej kapitule*. Trnava 2017, p. 21.

⁴⁷ *Ecclesia in Europa*, no. 76.

⁴⁸ *Ibidem*, no. 92.

⁴⁹ *Ibidem*, no. 95.

Moreover, John Paul II did not leave out some serious problems within the life of the Church itself. During his pontificate, new ecclesial movements (*movimenti*) came to prominence, and the Pope expected from them a new zeal and fervour in the service of the Church; however, their action should not overshadow the value of proper parish pastoral care. In addition, unnecessary divisions began to occur between the various movements and groups which tends to split the forces of goodness: “In this regard, the new movements and the new ecclesial communities must ‘abandon every temptation to claim rights of primogeniture and every mutual incomprehension’, advance along the path of more authentic communion between themselves and with all other ecclesial realities, and ‘live with love in full obedience to the Bishops’. But it is also necessary for the Bishops ‘to show them that fatherhood and that love which are proper to Pastors’ and to acknowledge, maximize and coordinate their charisms and their presence for the building up of the one Church.”⁵⁰ The parish pastoral model still remains indispensable: “In today’s Europe too, both in the post-Communist countries and in the West, *the parish*, while in need of constant renewal, continues to maintain and to carry out its particular mission, which is indispensable and of great relevance for pastoral care and the life of the Church. The parish is still a setting where the faithful are offered opportunities for genuine Christian living and a place for authentic human interaction and socialization, whether in the situations of dispersion and anonymity typical of large modern cities or in areas which are rural and sparsely populated.”⁵¹

The Pope also considered it necessary to affirm the willingness of the Catholic Church to continue to remain active in ecumenical relations, although even the exhortation did not completely conceal the problems involved⁵²; however, they had already been addressed more thoroughly in other contexts: “We give thanks to the Lord for the great and consoling sign of hope which is *the progress made in the journey of ecumenism* under the standard of truth, charity and reconciliation. This is of the great gifts of the Holy Spirit for a continent like Europe which gave rise to tragic divisions between Christians during the second millennium and which

⁵⁰ Ibidem, no. 29.

⁵¹ Ibidem, no. 15.

⁵² Regarding this issue, the Catholic Catechism for the German dioceses, approved by the Apostolic See, points out the following: “The motive may only be obedience to the will of Jesus Christ and the urging of the Holy Spirit. In this way, the path of the ecumenical movement does not follow pragmatic compromises or false irenicism which would obscure or dilute the truth of the Gospel and the purity of the Church’s teaching. Rather, ecumenism presupposes renewal through prayer, conversion and sanctification.” BERLINER BISCHOFSKONFERENZ: *Katholischer Erwachsenen-Katechismus. Das Glaubensbekenntnis der Kirche*. Leipzig 1989, pp. 247–248.

still suffers from their consequences. I am moved as I remember certain moments of great intensity experienced during the synodal labours and the unanimous conviction, also expressed by the Fraternal Delegates, that this journey — despite the problems which remain and the new ones which are emerging — cannot be halted, but rather must continue with renewed enthusiasm, with deeper determination and with a humble openness to mutual forgiveness on the part of all.”⁵³

A widespread scourge in the Catholic Church is excessive activism suppressing the Church’s own spiritual mission from which everything else has yet to unfold: “In a context where a temptation to activism is also attractive at the pastoral level, Christians in Europe must continue to *be a transparent image of the Risen Christ, living in close communion with him*. There is a need for communities which, by contemplating and imitating the Virgin Mary, the figure and model of the Church in faith and holiness, cultivate the sense of liturgical life and of interior life.”⁵⁴

The Pope was also concerned with constant attacks on priestly celibacy and demeaning its spiritual and pastoral value.⁵⁵ He deemed it appropriate to include a defence of the celibate way of life for priests into the exhortation: “Celibacy is esteemed in the whole Church as fitting for the priesthood, obligatory in the Latin Church and deeply respected by the Eastern Churches. In the present cultural context, it stands out as an eloquent sign which needs to be cherished as a precious good for the Church. A revision of the present discipline in this regard would not help to resolve the crisis of vocations to the priesthood being felt in many parts of Europe. A commitment to the service of the Gospel of hope also demands that the Church make every effort to propose celibacy in its full biblical, theological and spiritual richness.”⁵⁶ At the same time, John Paul II acknowledges that many priests are overburdened because of the shortage of vocations: “We cannot fail to see that the exercise of the sacred ministry today is fraught with many difficulties on account of the prevailing culture and the lessened numbers of priests, together with the increase of pastoral responsibilities and the fatigue which this can involve. Consequently, all the more *esteem, gratitude and support* is due to those priests who carry out with praiseworthy dedication and fidelity the min-

⁵³ *Ecclesia in Europa*, no. 17.

⁵⁴ *Ibidem*, no. 27.

⁵⁵ “Celibacy chosen for the kingdom of God — and priestly celibacy — is a state of love. It is possible only for those who have managed to integrate it into their spiritual life. It is an exclusive, permanent, total and radical choice of the one and supreme love of Christ.” Š. BORŽÍK: *Integrita duchovného povolania v premenách času Cirkvi*. Prešov 2002, p. 43.

⁵⁶ *Ecclesia in Europa*, no. 35.

istry which they have received.”⁵⁷ The need to nurture clerical vocations becomes even more acute: “Since the commitment of ordained ministers and consecrated persons is decisive, some mention must be made of the disturbing shortage of seminarians and aspirants to religious life, especially in Western Europe. This situation calls for everyone to be involved in an *effective pastoral programme of promoting vocations*. [...] To create a much-needed pastoral programme of promoting vocations, it is beneficial to explain to the laity the Church’s faith regarding the nature and dignity of the ministerial priesthood; to encourage families to live as true ‘domestic churches’, so that in their midst the variety of vocations can be discerned, accepted and nurtured; and to engage in pastoral work aimed at helping young people in particular to choose a life rooted in Christ and completely dedicated to the Church.”⁵⁸

5. Institutional aspects of European unification

In his exhortation, John Paul II devotes comparatively less space and attention to the purely institutional aspects of the Church in Europe, including the building of a political community of European nations. European institutions are not to be formed for their own sake, but for the good of the peoples who can thus come closer to one another. In this regard, the Pope refers to the statements made in the assembly hall when the visible signs of hope were discussed: “At the conclusion of their labours, the Synod Fathers described these signs in the following way: ‘We joyfully recognize the growing *openness* of peoples to one another, the *reconciliation* between countries which have been hostile and at enmity with each other for a long time, the progressive *opening up* to the countries of Eastern Europe in the process of seeking deeper unity. Mutual recognition, *forms of cooperation and exchanges* of all sorts are being developed in such a way that little by little, a culture, indeed a *European consciousness*, is being created. This we hope will encourage, especially among the young, a sense of fraternity and the will to share. We note as a very positive factor that the whole of this process is developing according to *democratic procedures*, in a peaceful way and in the spirit of *freedom* which respects and fosters legitimate diversity, encouraging and sustaining the process leading to the *growing unity of Europe*. We welcome with

⁵⁷ Ibidem, no. 36.

⁵⁸ Ibidem, nos. 39—40.

satisfaction all that has been done to safeguard the conditions and ways to respect *human rights*. Finally, in the context of the legitimate economic and political unity in Europe, while acknowledging the signs of hope seen by the attention given to the *rights and to the quality of life*, we sincerely hope that, in creative fidelity to the humanist and Christian traditions of our continent, there will be a guarantee of the primacy of *ethical and spiritual values*.⁵⁹

In hindsight, it must be said that the Synod Fathers were overly optimistic. Above all, it was impossible to even mention Europe's Judeo-Christian cultural roots in the so-called European constitution, let alone invoke the divine assistance (*invocatio Dei*), as it is the case in the constitutions of various European states. The wish of John Paul II, expressed in his speech to the Office of the President of the European Parliament on 5 April 1979 and reproduced in the exhortation, has remained unheeded: "In the light of what I have just emphasized, I wish once more to appeal to those drawing up the future European constitutional treaty, so that it will include a reference to the religious and in particular the Christian heritage of Europe. While fully respecting the secular nature of the institutions, I consider it desirable especially that three complementary elements should be recognized: the right of Churches and religious communities to organize themselves freely in conformity with their statutes and proper convictions; respect for the specific identity of the different religious confessions and provision for a structured dialogue between the European Union and those confessions; and respect for the juridical status already enjoyed by Churches and religious institutions by virtue of the legislation of the member states of the Union."⁶⁰

In fact, even the positive assessment of the unification process as a democratic process is not entirely appropriate, since excessive European structures, led by the European Commission, lack a direct link with and accountability to the electorate; thus they are often criticised for a "democratic deficit." This is also due to the fact that, despite all the positives of the convergence of European nations, a single "European people" has not yet emerged, and the institutional bureaucratic component of the European Union is thus being shaped without the direct participation and democratic control of the citizens of the individual European states.⁶¹

⁵⁹ Ibidem, no. 12.

⁶⁰ Ibidem, no. 114.

⁶¹ "From a material point of view, the people (*démos*) is not just a collection of individuals or groups found in a given territory. Such a conception may have worked well in ancient despotisms or in medieval absolute monarchies, and it may still work today in dictatorial regimes. However, if we assume that the population does not consist of subjects but citizens who govern themselves through their elected representatives, it needs

Nevertheless, the participants of the Synod expressed their confidence in the action of the institutions, especially as regards the protection of human rights at the pan-European level: “The European institutions have as their declared purpose the defence of the rights of the human person. In carrying out this task they contribute to the building of the Europe of values and of law. The Synod Fathers called upon the leaders of Europe in the following words: ‘Raise your voices in the face of the violation of *human rights* of individuals, minorities and peoples, beginning with the right to religious freedom; pay utmost attention to everything that concerns *human* life from the moment of its conception to natural death and to the *family* based on marriage: these are the foundations on which our common European home rests; [...] respond, with justice and equity and with a great sense of solidarity, to the growing phenomenon of *migration*, and see in it a new resource for the future of Europe; make every effort to guarantee young people a truly humane future with *work, culture, and education* in moral and spiritual values. [...]’.”⁶²

The exhortation provides an overview of European institutions and makes no secret about the expectations the Church has of them: “In the work of creating a new face for the continent, *the role of international institutions* is in many ways decisive. Associated with and operating principally on European territory, they have left their mark on the course of historical events without being engaged in operations of a military character. In this regard I wish to mention first of all the Organization for Security and Cooperation in Europe, which works to maintain peace and stability, also through the protection and promotion of human rights and fundamental freedoms, and through economic and environmental cooperation.”⁶³ The OSCE proved its importance at a time when European countries in the former Eastern bloc were forced, through their participation in the so-called Helsinki Process, to sign up to human rights that they themselves did not respect. This process led, for example, to the establishment of the dissident Charter 77 in Czechoslovakia.⁶⁴

to be a cohesive community united by a sense of belonging, common identity, solidarity, patriotism, citizenship; in other words, a political nation.” T. BŘICHÁČEK: *Unie blízká i vzdálená*. Praha 2014, p. 93.

⁶² *Ecclesia in Europa*, no. 115.

⁶³ *Ibidem*, no. 113.

⁶⁴ “In the Final Act of the Helsinki Conference on Security and Cooperation in Europe, the signatories undertook, among other things, ‘to fulfil their obligations under international declarations and agreements [...] including those contained, *inter alia*, in the International Treaties on Human Rights, insofar as they are bound by them’. Czechoslovakia’s ratification of the two basic international treaties and their publication in the Collection of Laws as international treaties ‘applicable to Czechoslovakia’ inspired a group of Czech dissidents to write a document called ‘Charter 77’. Those

After briefly introducing the European Council, the European Court of Human Rights, the European Parliament, the Council of Ministers and the European Commission, John Paul II made a moral appeal to these institutions and to the European states themselves: “Together with the Synod Fathers, I ask these same European institutions and the individual states of Europe to recognize that *a proper ordering of society must be rooted in authentic ethical and civil values* shared as widely as possible by its citizens; at the same time I would note that these values are the patrimony, in the first place, of the various social bodies. It is important that the institutions and the individual states recognize that these social bodies also include Churches and Ecclesial Communities and other religious organizations. Even more so, in those cases where these already existed before the foundation of European nations, they cannot be reduced to merely private entities but act with a specific institutional import which merits being given serious consideration. In carrying out their functions the various national and European institutions should act in the awareness that their juridical systems will be fully respectful of democracy, if they provide for *forms of ‘healthy cooperation’* with Churches and religious organizations.”⁶⁵

However, the Catholic Church also creates structures at a pan-European level, as the exhortation also did not fail to mention: “There is need for genuine *cooperation between all the Particular Churches of the Continent as an expression of their essential communion*; a cooperation which is also called for by the new reality of Europe. Here mention must be made of the contribution offered by continental ecclesial bodies, beginning with the *Council of European Episcopal Conferences*. The Council is an effective means for exploring together appropriate ways of evangelizing Europe.”⁶⁶ The Exhortation then goes on to recall some of the important competences this organism has: “An important role in the growth of this unity can be played by *continental organizations of ecclesial communion*, which need to be further encouraged. Among these a significant place must be given to the *Council of European Episcopal Conferences*, which is called on the continental level ‘to provide for the promotion of an ever more intense communion among Dioceses and the national Episcopal Conferences, for the growth in ecumenical cooperation among Christians and the overcoming of obstacles which threaten the future of peace and the progress of peoples, for the strengthening of affective and effective

who signed the declaration had a profound impact on the November events of 1989.” J. GRONSKÝ: *Dokumenty k ústavnímu vývoji Československa III. (1968—1989)*. Praha 2004, pp. 174—175.

⁶⁵ *Ecclesia in Europa*, no. 114.

⁶⁶ *Ibidem*, no. 53.

collegiality and of hierarchical communion'. Together with the Council, acknowledgment must also be made of the service provided by the *Commission of the Episcopates of the European Community*, which, in following the process of consolidation and enlargement of the European Union, favours the sharing of information and coordinates the pastoral initiatives of the European Churches involved.”⁶⁷

6. Conclusions

The situation in the Catholic Church and in Europe has not changed much in the twenty years since the publication of the exhortation *Ecclesia in Europa*. Benedict XVI, the successor of John Paul II, decided not to issue so many encyclicals and other Church documents as his predecessor did, since there is an extraordinarily rich treasury of those written by John Paul II. Indeed, it was his documents that Benedict XVI recommended for rediscovery and re-reading. What is more, the exhortation *Ecclesia in Europa* has lost none of its relevance. This is a pity, because some of the shortcomings in the life and practice of the Church in Europe, pointed out by the Pope in the exhortation, could have been gradually and more thoroughly eliminated. There are certainly other negative sociological and political issues in Europe which continue to deepen and which the Church cannot directly influence; however, she has every right to address them. To sum it up, all of that suggests that it still necessary to listen to the call to hope in Christ, that is, the objective this exhortation of John Paul II focuses upon.

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⁶⁷ Ibidem, no. 118.

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STANISLAV PŘIBYL

Ecclesia in Europa :
aspects bibliques-théologiques et organisationnels-structurels
de l'exhortation

Résumé

Le présent article examine l'exhortation *Ecclesia in Europa* de Jean-Paul II (2003), en se concentrant principalement sur les sources bibliques de sa structure systématique. Le cadre de l'exhortation est défini par plusieurs passages tirés de l'Apocalypse de saint Jean, mais le texte contient également de nombreuses autres références bibliques. Les sources de l'inspiration trinitaire de l'exhortation remontent aux préparatifs du Grand Jubilé de l'an 2000, puisque chacun des trois ans précédant le Jubilé fut consacré à l'une des trois personnes de la Sainte Trinité. D'une part, l'exhortation exprime l'espérance pour le continent européen, dont la seule source est la personne de Jésus-Christ; d'autre part, elle ne minimise pas les problèmes auxquels l'Église en Europe est confrontée, tels que l'abandon du sacrement de la réconciliation et des principes moraux concernant la chasteté prémaritale, la préférence donnée aux nouveaux mouvements ecclésiaux au détriment du modèle de pastorale paroissiale, ainsi qu'un activisme excessif combiné à un manque de contemplation. L'exhortation accueille favorablement le processus d'intégration européenne ainsi que ses garanties organisationnelles et institutionnelles. Grâce au Conseil des conférences épiscopales d'Europe (CCEE), cette dynamique se reflète

également au sein de l'Église catholique. L'exhortation adopte également une position critique à l'égard de l'avortement et de l'euthanasie, considérés comme des attaques contre la vie humaine innocente.

Mots-clés: synode, exhortation, Europe, espérance, Christ, Sainte Trinité, Apocalypse de saint Jean, Église catholique, œcuménisme, sacrements, pastorale, paroisse, célibat, liturgie, Union européenne, institutions

STANISLAV PŘIBYL

Ecclesia in Europa:
aspetti biblico-teologici e organizzativo-strutturali dell'esortazione

Riassunto

Il presente articolo esamina l'esortazione *Ecclesia in Europa* di Giovanni Paolo II (2003), concentrandosi principalmente sulle fonti bibliche della sua struttura sistematica. Il quadro dell'esortazione è definito da qualche brano tratto dall'Apocalisse di san Giovanni, ma il testo contiene anche numerosi altri riferimenti biblici. Le fonti dell'ispirazione trinitaria dell'esortazione risalgono ai preparativi per il Grande Giubileo dell'anno 2000, poiché ciascuno dei tre anni precedenti il Giubileo fu dedicato a una delle tre persone della Santa Trinità. Da un lato, l'esortazione esprime la speranza per il continente europeo, la cui unica fonte è la persona di Gesù Cristo; dall'altro, non nasconde i problemi che la Chiesa in Europa deve affrontare, quali l'abbandono del sacramento della riconciliazione e dei principi morali riguardanti la castità prematrimoniale, la preferenza accordata ai nuovi movimenti ecclesiastici a scapito del modello di pastorale parrocchiale e un eccessivo attivismo unito a una mancanza di contemplazione. L'esortazione accoglie con favore il processo di integrazione europea e le sue garanzie organizzative e istituzionali. Grazie al Consiglio delle conferenze dei vescovi d'Europa (CCEE), questa dinamica trova riflesso anche all'interno della Chiesa cattolica. L'esortazione assume inoltre una posizione critica nei confronti dell'aborto e dell'eutanasia, considerati forme di attacco alla vita umana innocente.

Parole chiave: Sinodo, esortazione, Europa, speranza, Cristo, Santa Trinità, Apocalisse di san Giovanni, Chiesa cattolica, ecumenismo, sacramenti, pastorale, parrocchia, celibato, liturgia, Unione Europea, istituzioni

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Challenges Facing the Church in Europe Insights from the Teaching of John Paul II, Benedict XVI and Francis

Abstract: The aim of this article is to provide the main indications for a renewal of the Catholic Church in Europe in the face of contemporary challenges, both internal (e.g. community crisis, neglect of evangelisation, insufficient catechesis, secularisation, insufficient involvement of the laity) and external (e.g. general crisis of religiousness, individualisation of life). The source material is the teaching of John Paul II, Benedict XVI and Francis, who can be described as the “popes of the new evangelisation.” Basically, this article analyses certain official documents of the Bishops of Rome and selected, due to their number, official homilies and speeches.

The analysis of the texts leads to the following conclusions: there is a need for evangelisation leading to a personal decision on faith, catechesis and multidimensional formation, a renewal of spirituality, a deepening of the ecclesial self-awareness of the faithful, and the Church’s involvement in world affairs (ecumenism, interreligious dialogue, human brotherhood, addressing social issues, articulating the truth about marriage and the family, help in solving migration problems and care for the environment).

Keywords: Catholic Church, Europe, evangelisation, catechesis and formation, spirituality, ecclesiology, unity, dialogue, brotherhood, ecology

Introduction

In a time of social and cultural transformation, or even a change of an era, the Church is facing various challenges. On the one hand, there is a crisis inside of it (caused by credibility issues arising from the scandals,

a decline in attendance at liturgy, growing number of people leaving the Church, increasing secularisation, or the lack of proper formation of the faithful). At the same time, Europe is confronted with important problems, such as cutting off its roots of identity, individualisation of life, and social, migration and environmental crises. This must not act as discouragement though. Speaking about the Synod of Bishops on Europe, John Paul II said: “With a *loving gaze* the participants in the Synod did not hesitate to look at *the present reality of the Continent*, noting both its light and its shadows. There was a clear recognition that the current situation is marked by grave uncertainties at the levels of culture, anthropology, ethics and spirituality.”¹ What is necessary, however, is the right perspective of reflection — only hope gives real meaning to life. This is the key to interpreting the world: “[...] to approach human situations and events with an attitude of fundamental trust, born of faith in the Risen One, present and at work in history.”² This resonates with Francis’ thought: “Let us not flee from the resurrection of Jesus, let us never give up, come what will. May nothing inspire more than his life, which impels us onwards!”³

Keeping all this in mind, one must be aware of the Church’s continuing significance in Europe. However, it must be properly renewed and must participate in the lives of Europeans. Therefore, five basic challenges for the Catholic community can be formulated. The source is the teaching of John Paul II, Benedict XVI and Francis, including in particular their official documents and some of the numerous written texts, homilies and speeches. Understanding the thoughts of the successive Bishops of Rome is valuable, as it may show the continuity of the main line of their teaching, despite evident different sensitivities and styles of ministry. The continuity can in particular be seen in their teaching about the spiritual dimension of Christian life, the Church’s ongoing renewal and its effective presence in the world.

1. Evangelisation

Evangelisation is a fundamental challenge for the Church in Europe. John Paul II and Benedict XVI used the term “new evangelisation,” which

¹ JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Ecclesia in Europa”* [hereinafter: EE], no. 3.

² EE, no. 5.

³ FRANCIS: *Apostolic Exhortation “Evangelii gaudium”* [hereinafter: EG], no. 3.

is best defined as preaching with new ardour, using new methods and with new expressions.⁴ This is in line in with what Pope John XXIII called for in his opening speech to the Second Vatican Council when he said that doctrine must be expressed according to the demands of the times.⁵ Therefore, evangelisation cannot be seen as synonymous only with pastoral care or reaching out to non-believers. In his message concluding the 13th Ordinary General Assembly of the Synod of Bishops, Benedict XVI focused on the specifics of the new evangelisation: in relation to ordinary pastoral work, it is about giving new fire of the Holy Spirit to the faithful, helping those who were baptised but are not living a Christian life to encounter Christ again, discovering the joy of faith and returning to the Church, and bearing witness of the source of life's meaning and happiness to the seekers.⁶ Evangelisation may also be seen as efforts to strengthen believers through the kerygma and to newly proclaim the Gospel in secularised countries.⁷

Europe needs such evangelisation. Some of the reasons are religious indifference, people's ignorance of Christ, the secularisation of Christians and the increase in the number of the unbaptised.⁸ The first and foremost challenge is therefore to regain the enthusiasm to preach. It is not, of course, about new methods only, although these too are necessary in the changing world, but it is about preaching with a heart filled with God's love. This involves the formation of evangelisers and, before that, the awakening of a missionary spirit among the baptised.⁹ At the same time, a correction of religious language is necessary; Congregation for the Clergy said that "certain contexts are impervious to the positive Christian

⁴ JOHN PAUL II: *Discorso all'Assemblea del CELAM* [9.03.1983], III.

⁵ "[...] occorre che questa dottrina certa ed immutabile, alla quale si deve prestare un assenso fedele, sia approfondita ed esposta secondo quanto è richiesto dai nostri tempi. Altro è infatti il deposito della Fede, cioè le verità che sono contenute nella nostra veneranda dottrina, altro è il modo con il quale esse sono annunziate, sempre però nello stesso senso e nella stessa accezione." JOHN XXIII: *Gaudet Mater Ecclesia*. In: PONTIFICIO CONSIGLIO PER LA PROMOZIONE DELLA NUOVA EVANGELIZZAZIONE: *Enchiridion della Nuova Evangelizzazione. Testi del Magistero pontificio e conciliare 1939—2012*. Vaticano 2012, p. 35.

⁶ BENEDICT XVI: *Homily. Holy Mass for the closing of the Synod of Bishops* [28.10.2012].

⁷ Cf. BENEDICT XVI: *Homily. First Vespers of Solemnity of the Holy Apostles Peter and Paul* [28.06.2010].

⁸ See EE, no. 27. "In various parts of Europe *a first proclamation of the Gospel is needed*: the number of the unbaptized 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." EE, no. 46.

⁹ EE, nos. 45—49.

sense of terms such as original sin and its consequences, redemption, the cross, the need for prayer, voluntary sacrifice, chastity, sobriety, obedience, humility, penance, poverty, etc.”¹⁰ This is due to the lack of a real relationship with Christ, knowledge of the faith or interest in it. In this case, the testimony and holiness of believers and their presence in people’s lives are crucial.

It is not enough to merely proclaim the truths of the faith and celebrate it in the sacraments. What is also necessary for the renewal of the Church is the formation of the faithful so that they can move from a faith acquired and sustained by tradition to a personal and mature faith that grows out of experience and conviction. At the service of such formation are catechesis, spiritual direction, the rediscovery of the value of theology, the evangelisation of culture and the inculturation of the Gospel, the work of Catholic schools and universities as well as theological faculties in state universities, and pastoral care. Another necessary thing in the modern world is to discover the importance of the mass media.¹¹ However, the focus should not be on doctrine and morals but on the personal act of faith and the choice of Jesus Christ as Lord, like Benedict XVI said: “[...] being Christian is not the result of an ethical choice or a lofty idea, but the encounter with an event, a person, which gives life a new horizon and a decisive direction.”¹² Obviously, this cannot be reduced to emotions only. It seems appropriate to describe this reality using the category of experience rather than only a feeling. This may lead to stronger faith and missionary zeal.¹³ This can clearly be seen in the history of the Church, for example in Hildegard of Bingen, Teresa of Jesus, John of the Cross, Ignatius Loyola, John Wesley or representatives of various waves of charismatic awakenings.¹⁴

The importance of evangelisation is emphasised by the structural measures taken. In 2010, Benedict XVI established the Pontifical Council for Promoting the New Evangelization. Among its objectives were: to promote the new evangelisation, its forms and methods, to serve the particular Churches, the examine in depth the theological and pastoral mean-

¹⁰ CONGREGATION FOR THE CLERGY: *The Priest and the Third Christian Millennium. Teacher of the Word, Minister of the Sacraments and Leader of the Community*, no. 1.

¹¹ See EE, nos. 49—52, 58—63.

¹² BENEDICT XVI: *Encyclical Letter “Deus caritas est”*, no. 1.

¹³ “St. Stephen is a model for all who wish to put themselves at the service of the new evangelization. He shows that the newness of the proclamation does not consist primarily in the use of original methods or techniques — which of course, have their usefulness — but rather in being filled with the Holy Spirit and letting ourselves be guided by him.” BENEDICT XVI: *Angelus* [26.12.2012].

¹⁴ See *The Century of the Holy Spirit: 100 Years of Pentecostal and Charismatic Renewal, 1901—2001*. Ed. V. SYNAN. Nashville, Tennessee 2012.

ing of the new evangelisation, to promote and to foster the study of the Papal Magisterium related to the new evangelisation, to make known and to support initiatives linked to the new evangelisation, to study and to encourage the use of modern forms of communication, and to promote the use of the *Catechism of the Catholic Church*.¹⁵ In 2013, the task of catechesis and the International Council for Catechesis were included in the scope of the Papal Council's responsibilities.¹⁶ This has to be read as setting a clear course of action: we cannot focus on knowledge alone, but we also need a kerygmatic permeation of pastoral work. Faith, which is aroused and ignited by the proclamation of evangelisation, must be deepened by a sound and multidimensional catechesis.¹⁷

Evangelisation was further prioritised by Pope Francis, when he said: "I dream of a *missionary option*, that is, a missionary impulse capable of transforming everything."¹⁸ In the Apostolic Constitution *Praedicate Evangelium*, which reforms the Roman Curia, he established the Dicastery for Evangelization, which is presided over by the Bishop of Rome and which is composed of two sections: the Section for Fundamental Questions regarding Evangelization in the World and the Section for the First Evangelization and New Particular Churches, each directed by a Pro-Prefect. Then there is the Dicastery for the Doctrine of the Faith and the Dicastery for the Service of Charity.¹⁹

2. Integral formation

Evangelisation naturally demands a continuation in catechesis,²⁰ namely, a systematic teaching of the truths of the faith. Its aim is not

¹⁵ BENEDICT XVI: *Apostolic Letter "Ubi cunquem et semper"*, Art. 4.

¹⁶ BENEDICT XVI: *Apostolic Letter "Fides per doctrinam"*, Arts. 1—2.

¹⁷ Cf. PAUL VI: *Apostolic Exhortation "Evangelii nuntiandi"*, no. 44: "[...] a means of evangelization that must not be neglected is that of catechetical instruction. The intelligence, especially that of children and young people, needs to learn through systematic religious instruction the fundamental teachings, the living content of the truth which God has wished to convey to us and which the Church has sought to express in an ever richer fashion during the course of her long history."

¹⁸ EG, no. 27.

¹⁹ FRANCIS: *Apostolic Constitution "Praedicate Evangelium"*, Arts. 53—81.

²⁰ A distinction must therefore be made between kerygmatic or evangelising preaching, the aim of which is to lead to a personal acceptance of Jesus Christ as Lord and start of a new life, and catechetical preaching, which is to help learn about the Christian doctrine, worship and morals and the life of the Church.

only to acquire theological knowledge, but to undergo a multifaceted, systematic and integral formation, which, in addition to knowledge, requires worship and growth in spiritual and moral life.²¹ In this way, believers identify themselves with the Church and acquire the capacity to have a connection with the Church. At the same time, a sound formation of believers will enable them to participate constructively in social life and in various discussions about worldview, religion and other matters. This is in line with the diagnosis made by Paul VI: “If development calls for an ever-growing number of technical experts, even more necessary still is the deep thought and reflection of wise men in search of a new humanism, one which will enable our contemporaries to enjoy the higher values of love and friendship, of prayer and contemplation, and thus find themselves.”²² In this context, the importance of theology is non-negotiable. The International Theological Commission said that “occasions for inter-disciplinary encounter and exchange between theologians and philosophers, natural and social scientists, historians, and so on, should also be fostered, since, as is indicated in this report, theology is a science that thrives in interaction with other sciences, as they do also in fruitful exchange with theology.”²³ Thus, theology cannot be treated merely as a part of the Church’s inner matters, but also as a way for the Church to participate in the discourses of the world. In this way, theology is part of evangelisation.²⁴

The rationale for undertaking catechesis is also to correct some misconceptions present among the faithful, such as belittling the institutionality of the Church, equating the ministerial priesthood with the baptismal priesthood of the faithful, misunderstanding the sacraments and sacramentals, selective application of the doctrine, misunderstanding of private revelations, exaggerated veneration of the saints, superstitious

²¹ Formation is “a continual process in the individual of maturation in faith and a likening to Christ, according to the will of the Father, under the guidance of the Holy Spirit.” JOHN PAUL II: *Post-Synodal Apostolic Exhortation “Christifideles laici”* [hereinafter: ChL], no. 57. An important hint can also be found in St. Francis’ *Letter to friar Anthony*: “It pleases me that you would teach sacred theology to the friars, so long as in the study of this you do not extinguish the spirit of prayer and devotion, just as it says in the Rule.” FRANCIS OF ASSISI: *Letter to friar Anthony*. Trans. Fr. K. ESSER, O.F.M., <https://www.liturgies.net/saints/francis/writings.htm#Antonium> [accessed 3.05.2024].

²² PAUL VI: *Encyclical Letter “Populorum progressio”*, no. 20.

²³ INTERNATIONAL THEOLOGICAL COMMISSION: *Theology Today: Perspectives, Principles and Criteria*, no. 46.

²⁴ Cf. FRANCIS: *Apostolic Constitution “Veritatis gaudium”*, no. 3: “[...] the worldwide network of ecclesiastical universities and faculties is called to offer the decisive contribution of leaven, salt and light of the Gospel of Jesus Christ and the living Tradition of the Church, which is ever open to new situations and ideas.”

faith, the primacy of freedom without values, situational ethics, new concepts of morality of sexual life, or reducing the Church's mission to the horizontal dimension only. There are also issues which may threaten the unity of the Church, such as questioning of Pope Francis' teaching and decisions, the rulings of the Second Vatican Council and the post-conciliar magisterium, as well as directions of spirituality or pastoral practices adequate to the challenges of today. The problem is growing particularly with people's increasing involvement in social media, where many users publish non-substantive content. This encourages antagonisms within Catholic circles and the creation of an exclusivist mentality.

These goals can only be reached if the contemporary Church properly works on the homilies, catechesis, communities and movements, as channels of formation. The primary place where formation is offered is the homily delivered during the Eucharist, the liturgy of the other sacraments or the liturgy of the hours. However, care must be taken to ensure that this part of the celebration does not take the form of a university or popularising lecture. The homily should be an encounter with the living God, who comes to the participants of the liturgy and transforms them internally, leading to new life after the celebration. It should also be linked to the liturgical rites, giving it meaning and arousing new enthusiasm.²⁵ The purely catechistic model should be abandoned then and kerygmatic and mystagogical ones should be used instead. Pope Francis put it in simple terms: "We must not think that in catechesis the kerygma gives way to a supposedly more *solid* formation. Nothing is more solid, profound, secure, meaningful and wisdom-filled than that initial proclamation. All Christian formation consists of entering more deeply into the kerygma, which is reflected in and constantly illuminates, the work of catechesis, thereby enabling us to understand more fully the significance of every subject which the latter treats."²⁶ When doctrinal and moral content is presented, it is necessary to start from the word of God and the inner experience of the preacher and the listeners. The experience of the whole Church is also important: "To speak from the heart means that our hearts must not just be on fire, but also enlightened by the fullness of revelation and by the path travelled by God's word in the heart of the Church and our faithful people throughout history."²⁷ Keeping all this in mind, it is important to take care that the proclamation of the word during the liturgy is living and Christocentric and that it shows how the word of God

²⁵ See EG, nos. 135—159. "The homily can actually be an intense and happy experience of the Spirit, a consoling encounter with God's word, a constant source of renewal and growth." EG, no. 135.

²⁶ EG, no. 165.

²⁷ EG, no. 144.

is true for various celebrations and situations of life. It is worth pointing out that many years ago research of the processes of conversion from Catholicism to various evangelical communities in Latin America showed that people wanted to hear of the relationship between the Bible and life (rather than be given purely theological preaching) and expected to hear about what God is doing here and now, a true testimony encouraging them to participate in the life of the community and its mission.²⁸

The second dimension of formation is multidimensional catechesis for adults, encompassing the spirit, the intellect and the volition. It seeks to foster integral growth in faith and identification with the teaching, life and mission of the Church. Faith, by its very nature, presupposes a process of gradual initiation to give the baptised a stable basis for life — “faith *sees* to the extent that it journeys, to the extent that it chooses to enter into the horizons opened up by God’s word.”²⁹

A third way of forming the faithful is through Catholic communities, movements and associations. Their importance is highlighted by the teaching of the “popes of the new evangelisation.” John Paul II valued various forms of gathering, formation and commitment of the baptised, as they helped people to live according to the Gospel, were a cradle of various vocations, promoted the vocation of the laity, fostered holiness, encouraged participation in evangelisation and ecumenism and helped counteract the impact of various destructive groups.³⁰ In particular, these communities are schools of prayer and spiritual life.³¹ They are a hope for

²⁸ “Sekty albo nowe ruchy religijne. Wyzwanie duszpasterskie.” *L’Osservatore Romano* (Polish edition) 79/7 (1986), pp. 3—5; O. D. SANTAGADA: “Charakterystyka oraz sytuacja sekt i niezależnych grup religijnych.” In: O. D. SANTAGADA, E. BRAVO et al.: *Wspólnoty kościelne, niezależne grupy religijne, sekt na przykładzie Ameryki Łacińskiej*. Trans. A. KAJZEREK. Warszawa 1995, pp. 17—25. Cf. P. SAWA: “Is That a Really New Spirituality? Basics and Signs of the Spirituality of the New Evangelization — the Case of Poland.” *Ecumeny and Law* 5 (2017), pp. 95—123.

²⁹ FRANCIS: *Encyclical Letter “Lumen fidei”*, no. 9.

³⁰ Cf. EE, no. 16: “[...] groups, in fact, help Christians to live a more radically evangelical life. They are a cradle for different vocations, and they generate new forms of consecration. [...] they promote the vocation of the laity, and they help it to find expression in different spheres of life. They favour the holiness of the people. They are able to be both the messenger and the message for people who otherwise would not encounter the Church. Frequently they promote the journey of ecumenism and they open the ways to interreligious dialogue. They are an antidote to the spread of sects and an invaluable aid to the spread of joy and life in the Church.”

³¹ “[...] our Christian communities must become genuine *schools* of prayer, where the meeting with Christ is expressed not just in imploring help but also in thanksgiving, praise, adoration, contemplation, listening and ardent devotion, until the heart truly *falls in love*.” JOHN PAUL II: *Apostolic Letter “Novo millennio ineunte”* [hereinafter: NMI], no. 33.

the Church's ongoing renewal and the freedom aroused by the Holy Spirit.³² Benedict XVI emphasised the importance of mystagogy, which is crucial for a conscious faith and which requires that teaching be linked with celebration.³³ The new ecclesial movements should also be seen as a new outpouring of the Holy Spirit and a source of the life of the Church. The communities should be properly run and should remain in unity with the Church by following the correct doctrine, staying in unity with bishops,³⁴ as well as by respecting and working together with other the communities.³⁵ Only then can they be a real force promoting evangelisation and the search for new forms of spreading the faith.³⁶ As called for by Francis, it is important that the communities are integrated with the whole Church by joining in the work of the dioceses or parishes.³⁷

3. Renewal of spirituality

Another challenge for the Church in Europe, beside evangelisation and formation, is a spiritual renewal by developing the inner life of the

³² Groups are “a sign of the freedom of forms in which the one Church is expressed, and they represent a sound newness, which still waits to be adequately understood in all its positive effectiveness for the kingdom of God at work in the present moment of history.” JOHN PAUL II: *General audience* [25.11.1998].

³³ “[...] the Synod Fathers called for greater involvement by communities of consecrated life, movements and groups which, by their specific charisms, can give new impetus to Christian formation.” BENEDICT XVI: *Post-Synodal Apostolic Exhortation “Sacramentum caritatis”*, no. 64.

³⁴ “[...] the Ecclesial Movements and New Communities [...] constitute a unique gift of the Lord and a precious resource for the life of the Church. They should be accepted with trust and valued for the various contributions they place at the service of the common benefit in an ordered and fruitful way.” BENEDICT XVI: *Address to Participants in a meeting organized by the Catholic Fraternity of Charismatic Covenant Communities and Fellowships* [31.10.2008].

³⁵ “Pastors also need to have a lively contact with the various apostolic communities [...]. Nor can they forget the need for collaboration among the communities themselves. There should never be rivalry between them but rather, a reciprocal and cordial complementarity in dealing with apostolic tasks.” BENEDICT XVI: *Address to the third group of Bishops from Poland on their “Ad Limina” visit* [17.12.2005].

³⁶ BENEDICT XVI: *Post-Synodal Apostolic Exhortation “Verbum Domini”* [hereinafter: VD], no. 94. For the theology, history and significance of ecclesial movements in the structure of the Church, see J. RATZINGER: *Kościół. Pielgrzymująca wspólnota wiary*. Eds. S. O. HORN, V. PFNÜR. Trans. W. SZYMONA. Kraków 2005, pp. 159–188; IDEM: *Nowe porywy Ducha. Ruchy odnowy w Kościele*. Trans. S. CZERWIK, Kielce 2006.

³⁷ EG, no. 29.

baptised. On the other hand, what is needed is for people to see how important spirituality is. For in every human being there is a longing for transcendence, that is, for going beyond oneself and the sensual, material and temporary world, although this is not always understood as a religious need. John Paul II was right to say that “in today’s world, despite widespread secularization, there is a widespread demand for spirituality.”³⁸ Still, the challenge is to discover the multidimensional richness of Christian spirituality, which cannot be reduced to piety, liturgical life and rules of conduct only.

The starting point must be a living faith in Jesus and a personal relationship with him, a source of hope. A relationship with Jesus leads to the acceptance of the revelation of the Trinity and affects all aspects of life. Personal conversion, growing out of acceptance of Jesus the only Redeemer and His entire Gospel, is crucial. The conversion of the Church therefore begins with submitting to the word of Christ, accepting purification and making a commitment to the new reality (new evangelisation).³⁹ This involves the affirmation of a life led by the Holy Spirit, opening the man to the truth and to an authentic personal dialogue. In addition, it becomes necessary to rediscover the life of grace and to overcome the mentality of merit or various shades of Pelagianism. Pope Francis points to the danger of focusing on one’s own strengths in the spiritual and pastoral life as this may result in the dissipation of man’s strengths and hinders cooperation with the Holy Spirit and the proclamation of the Gospel.⁴⁰

In the spiritual rebirth of the baptised, there is a need to restore the term “heart” back to its original meaning. Since the Middle Ages, in Western philosophy and theology, “heart” has been reduced to the affective dimension (feelings and emotions), which by its very nature is changeable. It cannot therefore be considered a stable foundation of the inner life. It was rather thought that reason and will should be pillars of spiritual growth. Consequently, to develop spiritually one should strive to grow in the virtues of justice, love and religiousness. Meanwhile, in the Semitic, and therefore also biblical, mentality, the heart is tantamount to the centre of physical, mental, moral and intellectual life. Eastern theology has never lost this sensibility. The Christian East sees the heart as unity of

³⁸ NMI, no. 33. It is not enough to speak only of spirituality, but it is necessary to specify whether it is Christian, Buddhist, Hindu or maybe non-theistic spirituality. See A. COMTE-SPONVILLE: *Duchowość ateistyczna. Wprowadzenie do duchowości bez Boga*. Trans. E. ADUSZKIEWICZ. Warszawa 2011; P. SAWA: “Duchowość w prowadzonym przez wiernych dialogu z ateistami, agnóstykami i obojętnymi religijnie w świetle inicjatyw ‘Dziedzińca Pogan?’” *Roczniki Teologiczne* 64/5 (2017), pp. 99–123.

³⁹ See EE, nos. 14, 20, 23.

⁴⁰ FRANCIS: *Apostolic Exhortation “Gaudete et exsultate”*, no. 57.

the person, the continuity and diversity of life, the energy of the forces of soul and body.⁴¹ Thus, by surrendering to God and giving one's heart to Him "one develops a loving attitude towards God [...]. This encompasses a whole range of thoughts, considerations, desires, wishes, joys, sorrows, fears, endearments, etc."⁴² The spiritual life leads to a growing inner unity of man.

Spirituality is of crucial importance also to counteract the decline in the number of people regularly attending liturgy, participating in sacramental life, and identifying with the institutional Church. These are not synonymous with giving up spirituality, which does not necessarily have to take a religious form.⁴³ There is undoubtedly a growing interest in more individualistic spirituality,⁴⁴ often linked to some school of meditation or self-improvement methods, such as mindfulness training.⁴⁵ Therefore, what the Church offers in the sphere of spirituality should include meditation, even if this may raise various controversies in traditional circles. Still, non-discursive meditation, rooted in early monasticism, that can become a valuable proposal for contemporary people seeking deeper fulfilment. By cherishing their Christian roots, they can gain spiritual satisfaction, which will ultimately be a path to a renewed sacramental and liturgical life and a renewed identification with the Church. What is needed for the renewal of the Church, therefore, is a rediscovery of multiform Christian spirituality and the creation of spaces where the faithful can practise it. This also has an evangelising dimension. The various forms of spirituality, not necessarily linked to liturgy and piety, may be where religiously cold people or non-believers can be introduced to the sphere of inner experience and discovery of Jesus Christ.

The Church also needs a prayerful revival, so it can regain the dimension of mystery. This is done through individual as well as community

⁴¹ See T. ŚPIDLIK: *Duchowość chrześcijańskiego Wschodu. Przewodnik systematyczny*. Trans. L. RODZIEWICZ, Kraków 2005, pp. 150–151.

⁴² R. KOSTECKI: *Tajemnice serca*. Kraków 1982, p. 12. "The heart is the dwelling-place where I am, where I live [...]. The heart is our hidden centre, beyond the grasp of our reason and of others; only the Spirit of God can fathom the human heart and know it fully. The heart is the place of decision, deeper than our psychic drives." *Catechism of the Catholic Church*, no. 2563.

⁴³ See P. KRAKOWIAK: "Religijność czy duchowość? Modlitwa czy medytacja?" In: *Jak żyć, panie doktorze? Psyche*. Eds. D. ŚLIŻ, A. MAMCARZ. Warszawa 2021, pp. 87–97.

⁴⁴ See R. ROLHEISER: *W poszukiwaniu duchowości XXI wieku*. Trans. L. RODZIEWICZ, Kraków 2006, pp. 56–58.

⁴⁵ See L. FREEMAN: *Medytacja chrześcijańska. Twoja codzienna praktyka*. Trans. A. ZIÓŁKOWSKI. Kraków 2011, see also IDEM: *Pielgrzymka wewnętrzna. Podróż medytacyjna*. Trans. A. ZIÓŁKOWSKI. Kraków 2011; S. MCKENZIE, C. HASSED: *Mindfulness for Life*. Wollombi—Auckland 2012.

prayer. This shapes the spiritual environment.⁴⁶ The celebration of mystery may also take place through the liturgy, which “is a celebration of the Church’s faith, and a means of transmitting the faith. Together with Sacred Scripture and the teachings of the Fathers of the Church, it is a living source of authentic and sound spirituality.”⁴⁷ In an age of individualism, a rediscovery of the meaning of the liturgy is crucial for spirituality not to revolve solely around the needs of man, but for man to truly listen to and receive Jesus giving glory to the Father. The Church is not merely a sociological community, but is constituted truly as the Body of Christ, and the liturgy itself is a foreshadowing of future glory.⁴⁸ The Eucharist must be placed at the centre as “in the most blessed Eucharist is contained the whole spiritual good of the Church, namely Christ himself, our Pasch.”⁴⁹ Equally central is the sacrament of penance and reconciliation, through which believers can regain hope, the source of grace of a new beginning. In the world of progressing moral relativism and subjectivism, it is essential to properly form consciences and return to the practice of confession of sins before a priest.⁵⁰

Spirituality thus understood has an impact on people’s personal lives. It also influences history and culture, and thus the social dimension. Not surprisingly, the spiritual dimension of Christianity has shaped the foundations of the European social order.⁵¹ It is only through the spiritual rooting of life that Christians will be able to serve Europe and truly cooperate with all social groups. As John Paul II noted, “not only can Christians join all persons of good will in the realization of this great project, but they are also invited to be in some way its soul by showing the true meaning of the organization of the earthly city.”⁵² A bond with Jesus is strengthened through the inner life. Without a space for spiritual development (through adoration and meditation on the word of God) all other activities of the baptised become meaningless and they become tired and weakened in their mission. At the same time, without prayer, believers fall into spiritual diseases, including various weaknesses, self-centredness, egoism, or lust.⁵³

⁴⁶ See EE, nos. 66, 69, 78.

⁴⁷ EE, no. 70.

⁴⁸ See EE, nos. 70—71.

⁴⁹ VATICAN COUNCIL II: *Decree on the Ministry and Life of Priests “Presbyterorum ordinis”*, no. 5.

⁵⁰ See EE, no. 76.

⁵¹ See EE, no. 19.

⁵² JOHN PAUL II: *Message to Cardinal Miloslav Vlk, President of the Council of European Episcopal Conferences* [16.10.2000], no. 4.

⁵³ EG, nos. 262—263.

4. The Church's self-understanding

The Church must regain her spiritual potential. The theological basis is the true presence of Jesus Christ in the Church, namely the real and substantial presence in the Eucharist, the real presence in other liturgical actions, as well as the presence in the lives of Christians and in their fraternal love.⁵⁴ The challenge remains for Catholics to strengthen their self-awareness of the identity of the Church, so that it is not reduced to only a sociological or institutional reality.

The Second Vatican Council put particular attention on the multidimensionality of the Church. The basic category describing it is the “People of God”: “God, however, does not make men holy and save them merely as individuals, without bond or link between one another. Rather has it pleased Him to bring men together as one people, a people which acknowledges Him in truth and serves Him in holiness. [...] The state of this people is that of the dignity and freedom of the sons of God, in whose hearts the Holy Spirit dwells as in His temple.”⁵⁵ The Church is a community of the baptised who serve the God and have the Holy Spirit. They are tightly organised, all having a share in Christ’s threefold mission (as prophet, priest and king), although performing it according to their particular vocation as ordained (bishops, presbyters, deacons), consecrated or lay people. Their goal is an ultimate fulfilment and eternal glorification of God.⁵⁶ The Church is therefore a living and dynamic reality, with a definite character and direction.

This is the main foundation of Pope Francis’ understanding of the Church. The Church is a multidimensional harmony⁵⁷ in which all the baptised are subjects of law and action. This marks a significant shift from the pre-conciliar division between the “teaching Church” and the “listening Church,” or the “hierarchical and active Church” and the “non-ordained and passive Church.” The change in the viewpoint generates a different understanding of responsibility. Not compromising the sacramental structure and the inalienable role of the ordained, especially the bishops, we must be aware of the co-responsibility of the faithful for the life and mission of the Church, carrying it out using the gifts and charisms we have and the tasks we are entrusted with. Such an ecclesiology presupposes a synodal model of functioning, an involvement of all and

⁵⁴ See EE, no. 22.

⁵⁵ VATICAN COUNCIL II: *Dogmatic Constitution on the Church “Lumen gentium”* [hereinafter: LG], no. 9.

⁵⁶ LG, nos. 10—13, 18—38, 43—47, 51.

⁵⁷ See EG, nos. 17, 22.

a real cooperation between clergy, the consecrated and laity.⁵⁸ It is baptismal theology put into practice. “The Lord calls everyone, distributing different gifts for different tasks in the Church. He calls people to the priesthood and to the consecrated life and he calls them to marriage and to commitment as lay people, both in the Church herself and in society. It is important that the wealth of gifts be fully accepted, especially on the part of the young.”⁵⁹ Benedict XVI recalled that the proclamation of the Word of God is the task assigned to all the baptised in the sacrament received and in their being members of the Church.⁶⁰ The laity are called to bear witness then and to take responsibility for building societies based on the Gospel.⁶¹ It seems, however, that one cannot just stop there.

Indeed, a deeper understanding of vocation remains a challenge for the Church. Obviously, ordained ministry, which cannot be reduced to merely celebrating the sacraments and liturgy or presiding over the community, is crucial. As John Paul II noted, “in a special way priests are called by virtue of their ministry to celebrate, teach and serve the Gospel of hope.”⁶² They are an extension of Christ’s presence as Shepherd. However, presbyters cannot carry out their mission alone. They need to work with other ordained persons, including deacons, with consecrated persons and with the laity. The role of consecrated persons cannot, however, be reduced to service only. Fundamental is their testimony of the primacy of God, the capacity for sacrifice, brotherhood and openness to those in need.⁶³ A real empowerment of the laity is also essential for a normal functioning of the Church. On the one hand, invaluable is their testimony of hope and the power of faith lived out in their daily lives and showing how values of the Gospel permeate the world. On the other hand, lay faithful need to be involved in the Church’s evangelising mission,⁶⁴ in the formation of others, in the responsibility for the works carried out, as well as in the co-management of various areas of the Church’s life.

The Church needs to ensure that the clergy and laity assume a synodal mentality to rearrange their daily functioning according to the synodal model. It is precisely that structure that best manifests the idea of the Church as the People of God. While various expressions of synodality are already

⁵⁸ See FRANCIS: *Address. Meeting with the Clergy, Consecrated People and Members of Diocesan Pastoral Councils* [4.10.2013].

⁵⁹ BENEDICT XVI: *Homily. Pastoral Visit to Frascati* [15.07.2012].

⁶⁰ VD, no. 94.

⁶¹ BENEDICT XVI: *Address. The Inaugural Session of the Fifth General Conference of the Bishops of Latin America and the Caribbean* [13.05.2007], no. 3.

⁶² EE, no. 34.

⁶³ See EE, nos. 37–38.

⁶⁴ EE, no. 41. Through lay faithful “the Church of Christ is made present in the various sectors of the world, as a sign and source of hope and of love.” ChL, no. 7.

in place in the Church, for instance, the Council, the Synod of Bishops, Episcopal Conferences, priests' councils, diocesan and parish pastoral councils, there still is insufficient co-responsibility of the lay and consecrated faithful in discernment and governance in the Church, without, of course, compromising the hierarchical and sacramental basis. Pope Francis gives particularly valuable hints and encouragements in this regard in his teaching and actions. Above all, he emphasises that the faithful truly follow the common way (synodos) and listen to what the Holy Spirit is saying to the Church. Synodality is not an ecclesiastical parliamentarism or a forum for expressing one's opinions or impose one's ideas, but a space for listening to God and other people. That is why communal and personal prayer and the genuine Christian life of the synod participants are key. They enable proper discernment, relying on the spiritual sense of faith (*sensus fidei*). Francis points out that "if we want to speak of a synodal Church, we cannot remain satisfied with appearances alone; we need content, means and structures that can facilitate dialogue and interaction within the People of God, especially between priests and laity."⁶⁵ All Catholics need to undertake a multidimensional responsibility, keeping in mind the communion (unity), participation and mission (evangelisation perspective) and following the encounter — listen — discern model.⁶⁶ In this context, it is difficult to ignore the voice of the German Synodal Way, even despite the controversies that have arisen and the risk of schism highlighted by the Holy See — for it is not about the German solution as such, but about the universal Church reconsidering the issue of co-responsibility of the laity also in the area of governance.⁶⁷

⁶⁵ FRANCIS: Address. The opening of the synod [9.10.2021].

⁶⁶ FRANCIS: *Homily. Holy Mass of opening of the Synodal Path* [10.10.2021]. For an analysis of Francis' teaching on synodality; see P. SAWA: "Synodalność Kościoła w ujęciu papieża Franciszka." *Teologia w Polsce* 17/2 (2023), pp. 191—217.

⁶⁷ "The sense of faith of all who are baptised calls for greater shared responsibility, cooperative action and enforceable participation rights." DER SYNODEL WEG: *Power and separation of powers in the Church — Joint participation and involvement in the mission*, no. 4. "A theology of the Church has developed, a spirituality of obedience and a practice of the office which unilaterally bind this power to ordination and declares it to be sacrosanct. The Church is thus shielded from criticism, disconnected from supervision, and cut off from division. Conversely, vocation and charisms, dignity and rights, competences and responsibility of the faithful in the Catholic Church are not taken into account according to the significance that they have to the people of God. [...] The respective ministries, offices, roles and responsibilities too are not sufficiently closely linked to the charisms, competences and qualifications of the faithful. This is not only about a wrong understanding of power, but above all about the lost opportunities for the development of our Church. [...] Not only access to power, but also the selection and guidance of those to whom this power is entrusted, require an honest examination and reform." Ibidem, no. 7.

A search for a deeper understanding of the Church cannot omit the parish structure. In spite of its limitations, the parish is still significant to ecclesial life. It cannot be reduced to an administrative function though. Its multifaceted mission needs to be rediscovered. John Paul II spoke of the pastoral and ecclesial tasks, but also the humanising and socialising tasks of a parish. Following this line of thinking, Francis sees the parish as the missionary centre in a given area. It cannot perform administrative functions only, but it should be a centre pulsating with life and Gospel. This can be achieved if parishioners are involved in what is happening in their parish and if the parish is seen as a community of communities.⁶⁸ Such a model of parish is a challenge to the Church in Europe seeking to gain a decisively evangelising direction.

At the same time, various ecclesial associations, communities and movements are gaining more and more importance now. As mentioned above, they help the faithful to live the Gospel more radically and foster development of their lay vocation and commitment to evangelisation.⁶⁹ It is also worth noting that for many Church members the communities that are a real space for spiritual growth and participation in the Church's life. Therefore, it might be worthy of consideration to grant some communities a status equal to personal parishes, including the right to incardinate clergy. A concern about a duality of the ecclesial structure, sometimes raised in this context, is ungrounded, because similar structures already exist, for example, military or national dioceses or parishes. Ireland's experience from the Middle Ages, when pastoral monastic and episcopal structures co-existed, may also be cited here.

Also, the role of women must be emphasised. John Paul II articulated their ability to open up selflessly to others, to share, to give birth in love, to accentuate affectivity, to take on the tasks of wife and mother. At the same time, women can perform various ecclesiastical functions in accordance with the canon law.⁷⁰ Following this path, Pope Francis appoints women to various management functions in the Roman Curia and by it continues to call for appreciating women's involvement in various areas of ecclesial life.

Finally, given all the diversity in the Church, it is necessary to care for unity, which takes the form of unity with the Pope, growth of love and respect among people, evangelical radicalism, understanding, co-responsibility, co-participation, missionality, service, and appreciation of the diversity of charisms and vocations.⁷¹

⁶⁸ EE, no. 15; EG, no. 28.

⁶⁹ See EE, no. 16.

⁷⁰ See EE, nos. 42—43.

⁷¹ See EE, nos. 28—29.

The Church's self-awareness also leads to ongoing efforts towards Christian unity. Given the challenges of today, ecumenism is a necessity for the Church. For it is only in cooperation with other Christians that the mission to be a legible sign of Christ can be fulfilled — “the future of evangelization is closely linked to the witness of unity given by all Christ's followers.”⁷²

Ecumenism is therefore a major challenge for Europe. John Paul II said that “the progress in ecumenical dialogue, which has its deepest source in the same Word of God, represents a sign of great hope for the Church of today: the growth of unity among Christians is, in fact mutually enriching for all.”⁷³ These words express the reality of the exchange of spiritual gifts, which is essential for proper understanding of ecumenism. Each ecclesial community, despite its distinctiveness and without disturbing any doctrinal issues, can help other people experience their relationship with God. They also create a space for encountering other Christians. The spiritual and evangelising dimensions are crucial here. That is why Francis asked Catholic charismatic communities to engage in the service of unity, especially with evangelical and Pentecostal communities.⁷⁴ In addition to the spiritual aspect, true ecumenism promotes social European unity.⁷⁵ For all these reasons, the work for unity should be continued, regardless of any difficulties and tensions that may arise. Pope Francis' commitment in promoting ecumenism and the inspirations he gives open the Church to new forms of coexistence and cooperation between Churches and Christian communities. They also bear fruit in the form of studies published by the Dicastery for the Promotion of Christian Unity on the Catholic commitment to ecumenism: building unity at the local level and understanding papal primacy.⁷⁶

⁷² EE, no. 54.

⁷³ EE, no. 17.

⁷⁴ CATHOLIC CHARISMATIC RENEVAL INTERNATIONAL SERVICE (CHARIS): *Statutes*, Art. 3 a.c.f.g.l.

⁷⁵ EE, no. 30.

⁷⁶ The key documents include: PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *The Ecumenical Dimension in the Formation of Those Engaged in Pastoral Work*. Città del Vaticano 1998; PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *The Bishop and Christian Unity: An Ecumenical Vademecum*. Città del Vaticano 2020; DICASTERY PROMOTING CHRISTIAN UNITY: *The Bishop of Rome. Primacy and synodality in ecumenical dialogues and responses to the encyclical “Ut unum sint”*. Città del Vaticano 2024.

5. Serving the world

Another challenge for the Church is also her being a part of the affairs of the world, for only in this way will the Church be able to bring the Gospel of love and hope to people. That is why at the very beginning of his pontificate, John Paul II wrote: “man cannot live without hope. He remains a being that is incomprehensible for himself, his life is senseless, if love is not revealed to him, [...] if he does not experience it.”⁷⁷ Proclamation of the Gospel and universal values serves this purpose. Therefore, the Church participates in the life of societies not only to participate in solving people’s problems, but to bear witness to lasting values and to freedom from the illusions of a life without God.⁷⁸ Active charity is necessary then. This is a motivation for Christians to engage with the world, including the institutional Church. A life of love shows the love of God the Father and bears witness to contemporaries. This translates into the promotion of Christian voluntary work, service towards the poor, assistance in solving the problems of unemployment, dialogue with representatives of politics and economy, care for the proper use of earthly goods, support and pastoral care of the sick. John Paul II highlighted also other social challenges that the Church cannot distance herself from. Undoubtedly, a proper approach to social and economic issues is crucial. The Catholic social teaching, with its emphasis on the value of real freedom, truth, justice and liberty, plays an important role in shaping the reality. This cannot be done merely by making demands, but calls for involvement of lay Catholics in the social life, politics, economy, culture, healthcare and education.⁷⁹

Another major area of the Church’s service to societies is its teaching the truth about marriage and the family. This is particularly important in the crisis of these realities, namely, the redefinition of marriage and the questioning of its indissolubility. Therefore, a clear voice is needed with the teaching of the Gospel, education for marriage, the formation of fiancées, and support for marriages and families experiencing difficulty. Simultaneously, a commitment to the Gospel of life, with recognition of the dignity of every human being and opposition to abortion, the eugenic mentality and euthanasia is necessary.⁸⁰ However, its goal is not the teaching alone, but a multidimensional concern for moral

⁷⁷ JOHN PAUL II: *Encyclical Letter “Redemptor hominis”*, no. 10.

⁷⁸ BENEDICT XVI: *Homily. Final Mass of the 26th World Youth Day* [1.08.2011].

⁷⁹ See EE, nos. 84–89, 98–100.

⁸⁰ See EE, nos. 90–97.

renewal. The example of families and steady ethical formation can be helpful here.

Another demanding issue for the world, and thus for the Church, is migration. John Paul II advocates prudent reception of and hospitality towards migrants. This grows out of the idea of the common good (so evident in the process of globalisation), a culture of openness, the recognition of the rights of every person, and the need to combat abuse. It is not enough though only to welcome migrants. There is a need for their genuine integration, which cannot ignore respect for human values and national cultural heritage. Concern for the spirituality of migrants is also important, which is why the Church must offer pastoral care to migrants, especially Catholics. It should also defend the oppressed and excluded.⁸¹ Because of its history, Europe should be characterised by openness to others.⁸² This is part of Francis' call to go out to the peripheries, that is, the poor, the suffering, and those in need of support. Such mercy leads to experiencing the anointing that God gives to the baptised.⁸³

The growing globalisation, freedom of communication and migration and, above all, the message of the Gospel, urge the Church to care for brotherhood among people. Its theological basis is the teaching of the Second Vatican Council on religious freedom (*Dignitatis humanae*) and the Church's relations with non-Christian religions (*Nostra aetate*). A turning point in this respect was the interreligious meeting for peace in Assisi on 27 October 1986. This idea was strongly supported by Francis. In *A Document on human fraternity for world peace and living together*, signed by the Pope and Grand Imam Ahmad al-Tayyeb (on 4 February 2019), there is a declaration of the equality of rights, duties and dignity of people destined to spread goodness, love and peace. Only brotherhood and solidarity between people can counteract various injustices and harm. An in-depth reflection on brotherhood and social friendship can be found in Francis' Encyclical Letter *Fratelli tutti*. The Church joins the efforts for unity between people, not only for social reasons. Its rationale is evangelical, because Jesus shed his blood for all people, and the model to follow is the parable of the merciful Samaritan.⁸⁴ By opening up to others, in a responsible way and without denying one's own identity, one can bear witness to his or her Christian faith.

⁸¹ See EE, nos. 101—103.

⁸² Cf. JOHN PAUL II: *Message to Cardinal Miloslav Vlk...*, no. 7.

⁸³ FRANCIS: *Homily. Chrism Mass* [28.03.2013].

⁸⁴ FRANCIS: *Encyclical Letter “Fratelli tutti”*, nos. 56—86. “Others drink from other sources. For us the wellspring of human dignity and fraternity is in the Gospel of Jesus Christ.” *Ibidem*, no. 277.

Finally, the Church cannot distance herself from environmental issues. The encyclical letter which focuses on the contemporary climate challenges is Francis' *Laudato si*. What he says there is an important input in the dispute with ideological environmentalism and in the confrontation with political use of environmental protections issues. That is why Pope suggest an integral ecology, featuring a multidimensional view of human beings. A proper ecology cannot therefore mean only the protection of nature, but must include the protection of people, especially the poor, a proper way of life, the discovery of the meaning of life, as well as the preservation of historical, artistic and cultural heritage. For there is a single social and ecological reality. Ecology is therefore the ecology of people's lives (encompassing relationships, co-responsibility, respect for the common good, justice, and political, economic, scientific, and religious culture). The Church's mission, then, is to openly proclaim an integral anthropology and social teaching. However, in the ecological and social discourse, the Church is mainly called upon to show the spiritual aspect of life (the relationships of human beings follow the pattern of relationships within the Trinity) and the moral aspect. It is understandable then that Francis advocates ecological conversion, with its personal and communal aspects. Finally, ecology should also have a contemplative and religious dimension: following Jesus, praying thanks for food, living sacramentally, a culture of rest and celebration.⁸⁵

Conclusions

Various texts by John Paul II, Benedict XVI, and Francis offer an integral diagnosis of the present state of the matters and propose some key suggestions for a renewal of the especially European Church. The following conclusions can be drawn from the texts:

- a) The growing secularisation calls for an evangelisation using methods that best meet present needs. What is crucial is a personal spiritual experience ("I have encountered Christ") and a response with a life-shaping faith. Alongside such a proclamation of the kerygma, the Church must proceed with a multidimensional integral formation of clergy, consecrated and lay people in order to preserve the proper deposit of faith and spirituality.

⁸⁵ FRANCIS: *Encyclical Letter "Laudato si"*, nos. 139, 143, 145, 147—201, 218—240.

- b) It is still a challenge to deepen the ecclesial awareness among the faithful so that they see the Church as a vertical and horizontal, sacramental and charismatic community. It is important to form the subjectivity of all the baptised and their real participation in and co-responsibility for the community, with respect to the prerogatives of their ordination. Synodality is a particular form of this journey of faith.
- c) Formation and structural adjustments are not enough. What the Church needs the most is spiritual renewal. Only then will it be possible to evangelise powerfully and for the community to function properly.⁸⁶
- d) All the baptised are called to bear witness to the faith, which is beneficial to Europe as to fully overcome the crises it is dealing with it needs to join anthropology with Christ,⁸⁷ unite societies, and rediscover its Christian roots.⁸⁸
- e) An appropriate conclusion might be following the invocation said by John Paul II: “Church in Europe, welcome every day with renewed freshness the gift of charity which your Lord offers to you and enables you to accept. Learn from him the content and the measure of love. *Be the Church of the Beatitudes*, constantly conformed to Christ (cf. Mt 5:1—12). Free from all forms of hindrance and dependency, be poor yourself and a friend to the poor, welcoming every person and attentive to all forms of poverty, both old and new. Continuously purified by the Father’s goodness, see in the attitude of Christ, who always defended the truth yet still showed mercy towards sinners, the supreme norm of all your actions.”⁸⁹

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⁸⁶ Cf. EE, nos. 11.

⁸⁷ EE, nos. 7—9.

⁸⁸ JOHN PAUL II: *Homily. The Conclusion of the Second Special Assembly for Europe of the Synod of Bishops* [23.10.1999], no. 5; EE, no. 21.

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PRZEMYSŁAW SAWA

**Les défis de l'Église en Europe:
indications dans l'enseignement de Jean-Paul II, Benoît XVI et François**

Résumé

L'objectif de cet article est de présenter les principales indications pour le renouveau de l'Église catholique en Europe face aux défis contemporains, qu'ils soient internes (par exemple : crise du fonctionnement des communautés, lacunes dans l'évangélisation, insuffisances dans la catéchèse, sécularisation, engagement insuffisant des laïcs) ou externes (par exemple : crise générale de la religiosité, individualisation de la vie). La base principale est l'enseignement de Jean-Paul II, Benoît XVI et François, que l'on peut qualifier de « papes de la nouvelle évangélisation ». L'analyse porte essentiellement sur les documents officiels des évêques de Rome, complétés par une sélection de leurs interventions officielles (homélies, discours), compte tenu de l'abondance des textes.

L'étude de ces textes permet de formuler les propositions suivantes : la nécessité d'une évangélisation conduisant à une décision personnelle de foi, d'une catéchèse et formation multidimensionnelle, du renouvellement de la spiritualité, de l'approfondissement de la conscience ecclésiale des fidèles et de l'engagement de l'Église dans les affaires du monde (l'œcuménisme, le dialogue interreligieux, la fraternité universelle, la résolution des questions sociales, l'affirmation de la vérité sur le mariage et la famille, l'aide à résoudre des problèmes liés aux migrations et la protection de l'environnement).

Mots-clés : Église catholique, Europe, évangélisation, catéchèse et formation, spiritualité, ecclésiologie, unité, dialogue, fraternité, écologie

PRZEMYSŁAW SAWA

**Le sfide della Chiesa in Europa:
indicazioni nell'insegnamento di Giovanni Paolo II,
Benedetto XVI e Francesco**

Riassunto

L'obiettivo di questo articolo è evidenziare le principali indicazioni per il rinnovamento della Chiesa cattolica in Europa nel contesto delle sfide contemporanee, sia interne (ad esempio: crisi nel funzionamento delle comunità, carenze nell'evangelizzazione, lacune nella catechesi, secolarizzazione, insufficiente coinvolgimento dei laici), sia esterne (ad esempio: crisi diffusa della religiosità, individualizzazione della vita). La base principale è costituita dall'insegnamento di Giovanni Paolo II, Benedetto XVI e Francesco, che si possono definire «papi della nuova evangelizzazione». L'analisi si concentra principalmente sui documenti ufficiali dei vescovi di Roma, integrati da una selezione dei loro interventi ufficiali (omelie, discorsi), considerata l'ampiezza dei testi disponibili.

Lo studio di questi testi porta a formulare le seguenti indicazioni: la necessità di un'evangelizzazione che conduca a una decisione personale di fede, di catechesi e formazione multidimensionale, di rinnovamento della spiritualità, di approfondimento della consapevolezza ecclesiale dei fedeli e di impegno della Chiesa nelle questioni del mondo (ecumenismo, dialogo interreligioso, fraternità universale, risoluzione dei problemi sociali, affermazione della verità sul matrimonio e sulla famiglia, aiuto nella gestione dei problemi migratori e attenzione all'ambiente).

Parole chiave: Chiesa cattolica, Europa, evangelizzazione, catechesi e formazione, spiritualità, ecclesiology, unità, dialogo, fraternità, ecologia

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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’ (*viri 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 învățăturii 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-canonicus/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 communatio*) 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-Nicæa 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 coniugalnis* (‘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 nuptuents, 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 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-canonicus/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 Fruityfulness, 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/schoolfsalamanca/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 *ış*, and woman is called *ışa*.

This lexical derivation attests to the fact that Eve was called ‘woman’ (*ışa*) 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: “Rânduieli 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. MRTITELU: “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 Praiseworthy 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* I/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 paradigmique 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

CĂTĂLINA MITITELU

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-canonicali, 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

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Pope Francis' Reform of Roman Curia — Continuity and Discontinuity

Abstract: The article deals with the reform of the Roman Curia, implemented in 2022 by the Apostolic Constitution *Praedicate Evangelium* of Pope Francis. It does not deal with the redefined structure of the Roman Curia, but places this reform in a broader historical context, with an emphasis on comparison with the previous regulations of Popes Sixtus V in 1588, Pius X in 1908, the first Code of Canon Law of 1917, and the two previous reforms after the Second Vatican Council, of Pope Paul VI in 1967 and John Paul II in 1988. It shows both the partial continuity of Pope Francis' reform and the preceding juridical regulations, as well as his new emphases, and the partial juridical discontinuity that leads to a discrepancy in canon law between the provisions of the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches, on the one hand, and Pope Francis' Apostolic Constitution, on the other. This will have to be addressed in the future, either by further changes in the structure of the Roman Curia or by amending the provisions of the two existing Codes.

Key words: Catholic Church, canon law, codes of canon law, Roman Curia, apostolic constitutions, legal continuity and discontinuity

Introduction

In the study of Pope Francis' reform of the Roman Curia, two distinctly different approaches are offered: a detailed treatment of the newly introduced structure of the entire Roman Curia, with an emphasis on an analysis of the mission of its various components, or a setting of this reform in a broader historical context, with an emphasis on comparison with previous regulations.

In our article we have chosen to take the latter approach. While this method does not provide as much detailed insight into the mission and functioning of the various current components of the Roman Curia as the first possible method mentioned above, it allows us to trace trends of development that are never complete in such a living body, and even to predict areas of possible further change. Setting it in its historical context must include not only the individual regulations of the structure of the Roman Curia itself, but also their setting in the overall legislation of the Catholic Church, especially in the law of the Codes.

1. Structure of the Roman Curia in the period before the Second Vatican Council

In this section we will only be able to point out the main features of the legislative development in the period before the Second Vatican Council.

1.1. The first substantial reform — the Apostolic Constitution *Immensa aeterni Dei* of Pope Sixtus V in 1588

After a period of gradual development of the various auxiliary bodies of the Pope, the first comprehensive reform of the Roman Curia was implemented under Pope Sixtus V with his Apostolic Constitution *Immensa aeterni Dei* of 22 January 1588.¹ By this constitution, the Pope established 15 congregations of cardinals — we give their Latin names and their English translations, with the abbreviated names, often used in the specialized literature, supplemented in parentheses:

1. Congregatio pro Sancta Inquisitione — Congregation of the Holy Inquisition,
2. Congregatio pro Signatura Gratiae — Congregation of the Signatura of Graces,

¹ In describing this reform, we draw on the treatise: A. M. STICKLER: “Le riforme della Curia nella storia della Chiesa.” In: *LA CURIA ROMANA nella Cost. Ap. «Pastor bonus»*. Eds. P. A. BONNET, C. GULLO. Città del Vaticano 1990, pp. 7—12.

3. Congregatio pro erectione ecclesiarum at provisionibus consistoriali-bus — Congregation for the Erection of Churches and Consistorial Provisions,
4. Congregatio pro sacris ritibus et caeremoniis — Congregation for Sacred Rites and Ceremonies,
5. Congregatio pro Indice librorum prohibitorum — Congregation of the Index of Forbidden Books,
6. Congregatio pro executione et interpretatione Concilii Tridentini — Congregation for the Execution and Interpretation of the Council of Trent (Congregation of the Council),
7. Congregatio pro consultationibus regularium — Congregation for Consultations of Regulars (Congregation of Regulars),
8. Congregatio pro consultationibus episcoporum et aliorum praela-torum — Congregation for Consultations of Bishops and of Other Prelates (Congregation of Bishops),
9. Congregatio pro Universitate Studii Romani — Congregation of the University of Roman Studies (Congregation of the Sapienza),
10. Congregatio pro typographia Vaticana — Congregation of the Vatican Press,
11. Congregatio pro ubertate annonae Status Ecclesiastici — Congrega-tion for the Abundance of the Harvest of the Church State,
12. Congregatio pro classe paranda et servanda ad Status Ecclesiastici defen-sionem — Congregation for the Preparation and Preservation of the Navy for the Defense of the Church State (Congregation of the Navy),
13. Congregatio pro Status Ecclesiastici gravaminibus sublevandis — Con-gregation for the Public Welfare of the Church State (Congregation of the Public Welfare),
14. Congregatio pro viis, pontibus et aquis curandis — Congregation of Roads, Bridges, and Waters,
15. Congregatio pro consultationibus negacionum Status Ecclesiastici — Congregation for Consultations of the Church State (Congregation of State Consultations).

As is evident, a full one-third of the congregations dealt with the affairs of the Papal State, not of the universal Church. Moreover, this reform was only a partial one, since it did not include all the already existing compo-nents of the papal administrative apparatus, or even all the existing congrega-tions — including the *de facto* very important Congregatio de Propaganda Fide — Congregation for the Propagation of the Faith, founded as early as 1568² and also the Congregatio de rebus Graecorum — Congregation

² A. M. STICKLER: “Le riforme della Curia nella storia della Chiesa...,” p. 10.

for the Affairs of the Greeks, founded in 1573, which focused on relations with the eastern non-united Christians.³

Nevertheless, this reform shows an important direction: the congregations are constituted as the basic and most important components of the papal administrative apparatus and are entrusted to the cardinals: they were appointed by the Pope and they freely appointed other persons working in the congregation entrusted to them.⁴

1.2. Structure of the Roman Curia according to the Apostolic Constitution *Sapienti consilio* of Pope St. Pius X of 1908

In the more than 300 years since the reform of Pope Sixtus V, there have been many changes in the structure and functioning of the Roman Curia, to which the de facto dissolution of the Papal State in 1870 and the development of the missionary work of the Church have contributed significantly. It is not our intention to trace all these changes, of which there were many, but only to present briefly the new comprehensive reform of the Roman Curia, implemented by the Apostolic Constitution of Pope St. Pius X *Sapienti consilio* of June 29, 1908, which came into force on November 3, 1908.⁵

This reform did not affect only the congregations, but the constitution lists all the components of the Roman Curia: eleven congregations, three tribunals and five offices. We shall now also give their Latin names and the English translation, again giving in brackets the abbreviated names often used in the specialized literature:

- I. Sacrae Congregationes — Sacred Congregations:
- 1. Congregatio Sancti Officii — Congregation of Holy Office (presided over by the Pope),
- 2. Congregatio Consistorialis — Consistorial Congregation (presided over by the Pope),
- 3. Congregatio de disciplina Sacramentorum — Congregation for the Discipline of Sacraments,
- 4. Congregatio Concilii — Congregation of the Council,

³ CONGREGAZIONE PER LE CHIESE ORIENTALI: 2017: *Anno del Centenario*. Roma 2017, p. 11.

⁴ A. M. STICKLER: “Le riforme della Curia nella storia della Chiesa...,” p. 9.

⁵ PIUS X: *Constitutio apostolica de Romana curia Sapienti consilio* (29.06.1908). *Acta Sanctae Sedi* 41 (1908), pp. 425—440 and *Acta Apostolicae Sedi* 1 (1909), pp. 7—19.

5. Congregatio negotiis Religiosorum sodalium praeposita — Congregation for the Affairs of Religious (Congregation for Religious),
6. Congregatio de Propaganda Fide — Congregation for the Propagation of Faith,
7. Congregatio Indicis — Congregation of the Index,
8. Congregatio sacrorum Rituum — Congregation for Rites,
9. Congregatio Caeremonialis — Congregation for Ceremonial,
10. Congregatio pro Negotiis ecclesiasticis extraordinariis — Congregation for Extraordinary Ecclesiastical Affairs,
11. Congregatio Studiorum — Congregation of Studies.

II. Tribunalia:

1. Sacra Poenitentiaria — Sacred Penitentiary,
2. Sacra Romana Rota — Sacred Roman Rota,
3. Signatura Apostolica — Apostolic Signatura.

III. Officia:

1. Cancellaria Apostolica — Apostolic Chancery,
2. Dataria Apostolica — Apostolic Datary,
3. Camera Apostolica — Apostolic Camera,
4. Secretaria Status — Secretary of the State,
5. Secretariae Brevium ad Principes et Epistolarum latinarum — Secretaries of Brevias for Princes and Latin Epistles.

In addition to these three categories of the components of the Roman Curia, other institutions are listed immediately afterwards, with a note that their existing function is unaffected: for the care of the Vatican Basilica, the Congregatio reverendae fabricae S. Petri (Congregation of the Reverend Factory of St. Peter), for the area of studies Coetus studiis provehendis sacrae Scripturae et historiae (Groups for the Study of Sacred Scripture and of History), for the area of the distribution of papal material aid, the Coetus Obulo S. Petri administrando (St. Peter's Penny Administration Group), and finally for the area of the protection of the faith in Rome, the Coetus Fidei in Urbe praeservandae (Group for Protection of the Faith in the City).

The Apostolic Constitution is supplemented by two other documents, signed by the Secretary of State Rafael Cardinal Merry del Val y Zulueta on behalf of the Pope. The first of these is the Statute for the Roman Rota and for the Apostolic Signatura (and for the advocates serving in these tribunals): the *Lex propria Sacrae Romanae Rotae et Signaturae Apostolicae* (The Proper Law of the Roman Rota and the Apostolic Signatura), containing as an appendix a schedule of court fees.⁶ The second document

⁶ PIUS X: *Lex propria Sacrae Romanae Rotae et Signaturae Apostolicae* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 440—461 and *Acta Apostolicae Sedis* 1 (1909), pp. 20—35.

is the detailed rules of procedure for the Roman Curia: *Ordo servandus in Sacris Congregationibus Tribunalibus Officiis Romanae Curiae* (Rules of Procedure for the Sacred Congregations, Tribunals and Offices of the Roman Curia).⁷

The close interconnection of these three documents not only provided the necessary unified legal basis for the structure and activity of the Roman Curia but also leads to the fact that all three documents are often described jointly as the integral apostolic constitution of Pope St. Pius X and referred to as such. Their significance is sustained by their publication twice: first by promulgation in the last volume of the *Acta Sanctae Sedis* of 1908 and then, for documentary reasons, also in the first volume of the *Acta Apostolicae Sedis* of 1909.

1.3. Modification of the recently established structure in the 1917 Code of Canon Law

The first Code of Canon Law, promulgated only nine years after the Constitution *Sapienti consilio* of St. Pius X on 27 May 1917, with force from 19 May 1918,⁸ contains in canons 242—264 a complete modification of the structure of the Roman Curia.

It adopts the structure of this constitution with a few modifications:

- the previous Congregatio Indicis — Congregation of the Index is missing,
- to the previous Congregatio Studiorum — Congregation of Studies is given a new name Congregatio de Seminariis et Universitatibus — Congregation for Seminaries and Universities (canon 256),
- Congregatio pro Ecclesia Orientali — Congregation for the Oriental Church (presided over by the Pope himself) is added with a clear designation for the Eastern Catholic Churches (canon 257).

Since the Code of Canon Law is very broad in content, the issue of the structure and mission of the Roman Curia is not even mentioned in the promulgatory Apostolic Constitution of Benedict XV *Providentissima Mater Ecclesia*, nor in the preface (*praefatio*) from the pen of the

⁷ Pius X: *Ordo servandus in Sacris Congregationibus Tribunalibus Officiis Romanae Curiae* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 462—490 and *Acta Apostolicae Sedis* 1 (1909), pp. 36—108.

⁸ *Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917). *Acta Apostolicae Sedis* 9, part II (1917), pp. 1—521; Appendix, pp. 534—536.

chief editor of the Code, Pietro Card. Gasparri, included in some editions of the Codex.⁹

2. Reforms of the Roman Curia under Popes St. Paul VI and St. John Paul II

2.1. Reform of the Roman Curia by Pope St. Paul VI's Apostolic Constitution *Regimini Ecclesiae universae* of 1967

Soon after the end of the Second Vatican Council, held in 1962—1965, Pope St. Paul VI issued the Apostolic Constitution *Regimini Ecclesiae universae* on August 15, 1967, with force from January 1, 1968,¹⁰ by which he reformed the Roman Curia. To understand this reform, it is useful to recall some excerpts from its introductory (unnumbered) text:

Ratio etiam, quemadmodum decet, habenda est optati Patrum Concilii Oecumenici Vaticani Secundi, quod hisce verbis est enuntiatum: «Dicasteria, quae quidem Romano Pontifici atque Ecclesiae Pastoribus eximum praebuerunt auxilium, novae ordinationi, necessitatibus temporum, regionum ac Rituum magis aptatae, subciantur, praesertim quod spectat ad eorundem numerum, nomen, competentiam propriamque procedendi rationem, atque inter se laborum coordinationem» (*Christus Dominus* n. 9).

Account must also be taken, as is right, of the vote of the Fathers of the Second Vatican Ecumenical Council, which is expressed in these words: “To these Dicasteries, which have undoubtedly rendered invaluable assistance to the Roman Pontiff and to the Pastors of the Church up to now, let a new order be given, more in keeping with the needs of the times, of the regions and of the Rites, especially as regards their number, denomination, competencies, practice, and the coordination of their work” (*Christus Dominus*, no. 9).

⁹ P. GASPARRI: “Praefatio.” In: *Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papæ XV auctoritate promulgatus præfatione Emmi Petri card. Gasparri et indice analytico-alphabeticō auctus*. Roma MCMLVI, pp. XXV—LVI.

¹⁰ PAULUS VI: *Constitutio apostolica de Romana Curia Regimini Ecclesiae Universae* (15.08.1967). *Acta Apostolicae Sedis* 59 (1967), pp. 885—928.

Viam autem, qua exoptata Romanae Curiae Nostrae renovatio procedere debeat, non aliam esse putamus quam eam, quae ipsius Institutorum Ecclesiae renovationis propria esse cognoscitur. Et enim, ut alteram Concilii Vaticani Secundi sessionem die XXIX Septembris anno MCMLXIII aperientes declaravimus: «renovatio, ad quam Concilium spectat, neque praesentem Ecclesiae vitam subvertere ducenda est, neque eius traditiones interscindere, in iis quae sunt potissima et venerabilia, sed potius his ipsis traditionibus honorem habere, caducis et mendosis formis exutis, atque easdem sinceras feracesque efficere velle».

Ideo, retinendos esse censemus, licet in pluribus renovandos, tres praecipuos Dicasteriorum ordines, nempe Sacrarum Congregationum, Tribunalium et Officiorum, adiunctis vero Secretariatis certa ac firma ratione conditis. Sacrorum Dicasteriorum numerus, etsi quibusdam suppressis, augetur institutione Consilii de laicis, Secretariatum, Generalis Ecclesiae Rationarii seu Officii, ut aiunt, «statisticae».

It is clear from these texts that Paul VI, in all the changes he made, wanted to follow the path of continuity. In doing so, however, he added secretariats to the three existing main types of parts of the Roman Curia, congregations, tribunals and offices. From the terminological point of view, it is important that for the first time in a legal text the term *dicasterium* is used to refer to all the components of the Roman Curia.

The basic relationships between them and their personnel are then determined by the norms of the constitution itself:

1. § 1. Curia Romana, qua Summus Pontifex negotia Ecclesiae universae expedire solet, constat Congregationibus, Tribunalibus, Officiis et Secretariatis.

But the path, by which the desired renewal of Our Roman Curia must proceed, we believe should not be different from that which is recognised as proper to the very renewal of ecclesiastical institutions. For, as we declared at the opening of the second session of the Second Vatican Ecumenical Council on 29 September 1963: “It is not therefore the reform, at which the Council aims, a subversion of the present life of the Church, or a break with her tradition, in what is essential and venerable in it, but rather a homage to that tradition, in the very act of stripping it of every transient and defective manifestation in order to make it genuine and fruitful.”

We therefore believe that the three main orders of Dicasteries, namely the Sacred Congregations, the Tribunals and the Offices, with the addition of the Secretariats, established with valid and solid motivation, are to be maintained, even if they are to be renewed in many respects. The number of Sacred Dicasteries, despite some suppressions, increased with the establishment of the Council of the Laity, the Secretariats, and the Statistics Office.

1. § 1. The Roman Curia, through which the Supreme Pontiff conducts the affairs of the universal Church, consists of Congregations, Tribunals, Offices and Secretariats.

§ 2. Congregationes sunt inter se iuridice pares.

§ 3. Conflictus competentiae, si qui oriantur, Signatura Apostolicae subiciuntur.

2. § 1. Congregationes coalescunt ex Cardinalibus, quos Summus Pontifex ascribendos censuerit.

§ 2. Firmis ordinariis coetibus Patrum Cardinalium, ad pertractandas res maioris momenti et naturam principii generalis habentes, Congregationibus Plenariis intersunt, tamquam earumdem Membra, Episcopi dioecesani nominati a Summo Pontifice. Convocatio Episcoporum fieri debet ad normam Litterarum Apostolicarum *Pro comperto sane* Motu Proprio datarum die 6 augusti 1967.

Quod attinet ad S. Congregationem pro Religiosis servetur praescriptum peculiare in eodem Motu Proprio statutum sub n. V; quod vero ad S. Congregationem pro Gentium Evangelizatione, seu de Propaganda Fide, spectat, valent Normae statutae sub n. 83, §§ 2—3 huius Constitutionis.

§ 3. Congregationibus preest et eas dirigit Cardinalis Praefectus.

§ 4. Cardinali Praefecto adiutricem operam praestant Secretarius, electus a Summo Pontifice, necnon Subsecretarius, etiam a Summo Pontifice nominatus, aliquae Officiales.

§ 5. Cardinales, qua Membra Congregationis, itemque Congregationum Secretarii nominantur ad quinquennium et possunt confirmari. Indigent autem confirmatione advenientis nevi Summi Pontificis, exactis ab electione tribus mensibus.

Ii vero omnes de quibus in superiore § 2 ad quinquennium nominantur, iuxta praescriptum editum in comm.

§ 2. The Congregations are juridically equal.

§ 3. Conflicts of competence which may arise are submitted to the Apostolic Signatura.

2. § 1. The Congregations are formed by Cardinals chosen by the Supreme Pontiff.

§ 2. Without prejudice to the ordinary meetings of the Cardinal Fathers, in order to deal with matters of greater importance and of a general character, diocesan Bishops appointed by the Supreme Pontiff take part in the Plenary Meetings, as Members of the same Congregations. The Bishops must be convoked according to the norms of the Motu Proprio *Pro comperto sane* of 6 August 1967.

As regards the Sacred Congregation for Religious, the particular prescription contained in no. V of the same Motu Proprio applies. As regards the Sacred Congregation for the Evangelization of Peoples, the norms contained in nos. 83 §§ 2—3 of the present Constitution apply.

§ 3. The Congregations are presided over and directed by the Cardinal Prefect.

§ 4. Assisting the Cardinal Prefect are the Secretary, chosen by the Supreme Pontiff, the Undersecretary, also appointed by the Supreme Pontiff, and other officials.

§ 5. Cardinals, as Members of a Congregation, and also the Secretaries of Congregations are appointed for a five-year term and may be confirmed. Confirmation is also required at the advent of a new Supreme Pontiff, three months after election. All those mentioned in § 2 are appointed for a five-year term in accordance with the prescriptions of no. VI

Motu Proprio diei 6 augusti 1967 sub n. VI.

5. § 1. In omnibus Dicasteriis adsunt Consultores, a Summo Pontifice ad quinquennium electi ex universo orbe terrarum, tum inter Episcopos residentiales vel titulares, tum inter clericos dioecesanos vel religiosos vere peritos, prudenter et usu rerum comprobatos, necnon, si materia alicui Dicasterio subiecta id suadeat, inter laicos virtute, scientia, experientia praestantes, praesertim ex magistris studiorum Universitatum.

§ 2. Consultores possunt confirmari ad aliud quinquennium.

§ 3. Consultatio haberi potest tum per scripta vota, Romam mittenda, tum in coetibus pro opportunitate cogendis.

§ 4. Pro negotiorum varietate praeterea Consultores audiuntur, quorum consilium necessarium vel opportunum visum fuerit.

§ 5. In singulis casibus alii ad consulendum vocari possunt qui, licet in Consultorum numero non relati, peculiari peritia rei pertractandae, commendentur.

of the above-mentioned Motu Proprio of 6 August 1967.

5. § 1. In all Dicasteries there shall be Consultors, chosen by the Supreme Pontiff for a period of five years from among the residential or titular Bishops, diocesan or religious priests who are truly experienced and of proven prudence and ability, and also, if the matter of competence of a particular Dicastery so advises, from among lay people of clear virtue, science and experience and especially from among professors of universities.

§ 2. Consultors may be confirmed for another five-year term.

§ 3. Consultation may be carried out either by writing their opinions to be sent to Rome or in meetings to be held as appropriate.

§ 4. In addition, according to the variety of the business, the word of the Consultors whose opinion seems necessary or opportune shall be sought.

§ 5. In individual cases other persons may be called for advice who, although not included in the list of Consultors, are notable for their particular competence in the matter in question.

By the above norms listed in Part I. General Norms it is legally established the parity of the congregations (and *expressis verbis* only of them) among themselves as well as the basic staffing of the individual dicasteries.

The structure of the Roman Curia was thus established very broadly:

II. Secretaria Status seu Papalis — Secretariat of State or Papal Secretariat and Sacrum Consilium pro Publicis Ecclesiae negotiis (pristina Sacra Congregatio pro Negotiis ecclesiasticis extraordinariis) — Sacred Council for the Public Affairs of the Church (former Congregation for Extraordinary Ecclesiastical Affairs).

III. Sacrae Congregaciones — Sacred Congregations:

Cap. I. Sacra Congregatio pro Doctrina Fidei (pristina Sacra Congregatio Sancti Officii) — Sacred Congregation for the Doctrine of the Faith (former Sacred Congregation of Holy Office),

Cap. II. *Sacra Congregatio pro Ecclesiis Orientalibus* (pristina *Sacra Congregatio pro Ecclesia Orientali*) — Sacred Congregation for Oriental Churches (former Sacred Congregation for Oriental Church),

Cap. III. *Sacra Congregatio pro Episcopis* (pristina *Sacra Congregatio Consistorialis*) — Sacred Congregation for Bishops (former Sacred Consistorial Congregation),

Cap. IV. *Sacra Congregatio de disciplina Sacramentorum* — Sacred Congregation for the Discipline of the Sacraments,

Cap. V. *Sacra Congregatio Rituum* (pristina *Sacra Congregatio sacrorum Rituum*) — (former Sacred Congregation for Sacred Rites),

Cap. VI. *Sacra Congregatio pro Clericis* (pristina *Sacra Congregatio Concilii*) — Sacred Congregation for the Clergy (former Sacred Congregation of the Council),

Cap. VII. *Sacra Congregatio pro Religiosis et Institutis saecularibus* (pristina *Sacra Congregatio negotiis Religiosorum sodalium praeposita*) — Sacred Congregation for Religious and Secular Institutes (former Sacred Congregation for the Affaires of Religious),

Cap. VIII. *Sacra Congregatio pro Institutione catholica* (pristina *Sacra Congregatio Studiorum nunc Congregatio de Seminariis et Universitatibus studiorum*) — Sacred Congregation for the Catholic Education (former Sacred Congregation of Studies, then Sacred Congregation for Seminaries and for Studies at Universities),

Cap. IX. *Sacra Congregatio pro Gentium Evangelizatione seu de Propaganda Fide* (pristina *Sacra Congregatio de Propaganda Fide*) — Sacred Congregation for Evangelization of Nations or of Propaganda Fide (former Sacred Congregation of Propaganda Fide).

IV. Secretariatus — Secretariats:

Cap. I. *Secretariatum ad Christianorum unitatem fovendam* — Secretariat for the Unity of Christians

Cap. II. *Secretariatus pro non christianis* — Secretariat for Non-Christians,

Cap. III. *Secretariatus pro non creditibus* — Secretariat for Non-Believers.

V. Consilium de Laicis — Council for the Laity and Pontificia Commissio studiosorum a «Iustitia et pace» — Papal Commission of Studies of “Iustitia et Pax,”

VI. Tribunalia — Tribunals:

- Cap. I. Supremum Tribunal Signaturae Apostolicae — Supreme Tribunal of the Apostolic Signatura,
- Cap. II. Sacra Romana Rota — Sacred Roman Rota,
- Cap. III. Sacra Paenitentiaria Apostolica — Sacred Apostolic Penitentiary.

VII. Officia — Offices:

- Cap. I. Cancellaria Apostolica — Apostolic Chancery,
- Cap. II. Praefectura rerum oeconomicarum Sanctae Sedis — Prefecture of the Economic Affairs of the Holy See,
- Cap. III. Camera Apostolica — Apostolic Camera,
- Cap. IV. Administratio Patrimonii Apostolicae Sedis — Administration of the Patrimony of the Apostolic See
- Cap. V. Praefectura Palatii Apostolici — Prefecture of the Apostolic Palace,
- Cap. VI. Generale Ecclesiae Rationarium seu Officium Statisticae — General Sum of the Church or Office of Statistic.

Appendix:

1. Fabrica S. Petri — Fabric of Saint Peter,
2. Other institutions whose status remains unchanged: Bibliotheca Apostolica Vaticana (Vatican Apostolic Library), Archivum Secretum Vaticanicum (Vatican Secret Archive), Typographia et Libraria Vaticana (Vatican Typography [printing press — D. N.] and the Bookshop), Officium Magistri largitionum Pont. Max. seu Eleemosynaria Apostolica (Office of the Master of Donations or Apostolic Eleemosinery), Consilium pro instrumentis communicationis socialis, ceterique Coetus permanentes Pontificii (Council for Social Communications and other Permanent Pontifical Councils), and Consilium ad exsequendam Constitutionem Concilii Vaticani II de Sacra Liturgia (Council for the Execution of the Constitution on the Sacred Liturgy of the Second Vatican Council), until it has fulfilled its task.
3. Domus Pontificia — Papal Household.
4. Secretarius vero Brevium ad Principes et Secretarius Epistolarum latinarum (Secretaries of Brevias for Princes and Latin Epistles) shall continue to fulfil their duties each, until otherwise provided.

An annex to the Apostolic Constitution is the *Regolamento Generale della Curia Romana*.

The text of the Apostolic Constitution clearly emphasizes the principle of subsidiarity, which is underlined, among other things, by the fact that, unlike earlier regulations, the Pope does not preside over any congregation (or indeed any other dicastery) of the Roman Curia.

2.2. Reform of the Roman Curia by the Apostolic Constitution of St. John Paul II *Pastor bonus* of 1988

The structure of the Roman Curia underwent further changes both during the pontificate of Pope St. Paul VI and the pontificate of St. John Paul II. This necessitated another relatively early reform of the Roman Curia, which was carried out by St. John Paul II with the Apostolic Constitution *Pastor bonus*, promulgated on June 28, 1988, with force from March 1, 1989.¹¹ The Introduction of this constitution, containing (finally!) numbered sections, gives insight into the method and reasons for the setting of the changes of the curia. The two popes made use of both the special commission appointed by St. Paul VI (Introduction, no. 5) and reformed by St. John Paul II (no. 6) to determine them and by consulting within the Consistories of Cardinals and sending the prepared scheme of the new structure of the Curia to all the cardinals, the patriarchs of the Eastern Catholic Churches and the episcopal conferences for comment (no. 6); the Commission of Cardinals then prepared the revised final text.

The Introduction of the constitution itself is mainly of a theological (ecclesiological) nature. In it the Pope stressed above all the following points: the ministerial character of the ministry of the bishops and therefore of the Pope (no. 2), the relationship between collegiality and papal primacy (no. 3), the mission of the Roman Curia, including a very brief history of its development (nos. 4 and 7), its *indoles ministerialis*, ministerial character (no. 7), and its *character vicarius*, vicarious character (no. 8). From this, then, comes the personal composition of the Curia itself: almost all cardinals work in it, and not only curial ones, as well as some bishops, especially diocesan ones, and finally priests, religious (especially priests), religious sisters and lay people of both sexes (no. 9). The interconnection of the various dicasteries is due both personally to the appointment of curial cardinals to several dicasteries and also organizationally to the meetings of the presidents of the dicasteries (no. 9).

¹¹ IOANNES PAULUS II: *Constitutio apostolica de Romana Curia Pastor bonus* (28.06.1988). *Acta Apostolicae Sedis* 80 (1988), pp. 841—923.

The connection with the particular churches is ensured by the cooperation of the bishops addressed with the particular dicasteries as well as by their visits *ad limina Apostolorum* (no. 10).

Although it is not explicitly stated, St. John Paul II follows the path of continuity in introducing changes, which is manifested by the continued use of the term *dicasterium* for all the components of the Curia, as well as by the extension and new systematization of the various types of dicasteries, where the existing types are preserved and some others are added, while the term *instituta* is used to designate organizations loosely attached to the Roman Curia without being part of it:

Art. 2 — § 1. Dicasteriorum nomine intelleguntur: Secretaria Status, Congregationes, Tribunalia, Consilia et Officia, scilicet Camera Apostolica, Administratio Patrimonii Sedis Apostolicæ, Præfectura Rerum Æconomicarum Sanctæ Sedis.

§ 2. Dicasteria sunt inter se iuridice paria.

§ 3. Institutis autem Curiæ Romanæ accedunt Præfectura Pontificalis Domus et Officium de Liturgicis Celebrationibus Summi Pontificis.

Art. 2 — § 1. By the word “dicasteries” are understood the Secretariat of State, Congregations, Tribunals, Councils and Offices, namely the Apostolic Camera, the Administration of the Patrimony of the Apostolic See, and the Prefecture for the Economic Affairs of the Holy See.

§ 2. The dicasteries are juridically equal among themselves.

§ 3. Among the institutes of the Roman Curia are the Prefecture of the Papal Household and the Office for the Liturgical Celebrations of the Supreme Pontiff.

A significant change is the statement that all dicasteries (not merely congregations) are legally equal. A terminological change is the deletion of the title *sacra* from the names of congregations.

The structure of the Curia, listed after Chapter I containing the general norms, is thus much richer:

II. Secretaria Status — Secretariate of State (Secretariat and Sacrum Consilium pro Publicis Ecclesiae negotiis — Council for the Public Affairs of the Church is incorporated in the Secretariat of State as its second section).

III. Congregationes — Congregations:

1. Congregatio de Doctrina Fidei — Congregation for the Doctrine of the Faith,
2. Congregatio pro Ecclesiis Orientalibus — Congregation for the Oriental Churches,
3. Congregatio de Cultu Divino et Disciplina Sacramentorum — Congregation for Divine Worship and the Discipline of the Sacraments,

4. Congregatio de Causis Sanctorum — Congregation for the Causes of Saints,
5. Congregatio pro Episcopis — Congregation for Bishops,
6. Pontificia Commissio pro America Latina — Pontifical Commission for Latin America,
7. Congregatio pro Gentium Evangelizatione — Congregation for the Evangelization of Peoples,
8. Congregatio pro Clericis — Congregation for the Clergy, at the Congregation for the Clergy there exists Pontificia Commissio de Patrimonio Artis et Historiae conservando — the Pontifical Commission for Preserving the Patrimony of Art and History,
9. Congregatio pro Institutis Vitæ Consecratæ et Societatibus Vitæ Apostolicæ — Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life,
10. Congregatio de Seminariis atque Studiorum Institutis — Congregation of Seminaries and Educational Institutions (in practice, a modified earlier name gradually became established: Congregatio pro Educatione Catholica — Congregation for Catholic Education).

IV. Tribunalia:

1. Paenitentiaria Apostolica — Apostolic Penitentiary,
2. Supremum Tribunal Signaturae Apostolicae — Supreme Tribunal of the Apostolic Signatura,
3. Tribunal Rotae Romanae — Tribunal of the Roman Rota.

V. Pontificia concilia — Pontifical Councils:

1. Pontificium Consilium pro Laicis — Pontifical Council for the Laity,
2. Pontificium Consilium ad Unitatem Christianorum Fovendam — Pontifical Council for Promoting Christian Unity,
3. Pontificium Consilium pro Familia — Pontifical Council for the Family,
4. Pontificium Consilium de Iustitia et Pace — Pontifical Council for Justice and Peace,
5. Pontificium Consilium «Cor Unum» — Pontifical Council “Cor unum,”
6. Pontificium Consilium de Spirituali Migrantium atque Itinerantium Cura — Pontifical Council for the Pastoral Care of Migrants and Itinerant People,
7. Pontificium Consilium de Apostolatu pro Valetudinis Administris — Pontifical Council for Pastoral Assistance to Health Care Workers,
8. Pontificium Consilium de Legum Textibus Interpretandis — Pontifical Council for the Interpretation of Legislative Texts,
9. Pontificium Consilium pro Dialogo inter Religiones — Pontifical Council for Inter-Religious Dialogue,

10. Pontificium Consilium pro Dialogo cum Non Credentibus — Pontifical Council for Dialogue with Non-Believers,
11. Pontificium Consilium de Cultura — Pontifical Council for Culture,
12. Pontificium Consilium de Communicationibus socialibus — Pontifical Council for Social Communications.

VI. Officia — Offices:

1. Camera Apostolica — Apostolic Camera,
2. Administratio Patrimonii Sedis Apostolicæ — Administration of the Patrimony of the Apostolic See,
3. Præfectura Rerum Æconomicarum Sanctæ Sedis — Prefecture for the Economic Affairs of the Holy See.

VII. Cetera Curiae Romanae Instituta — Other Institutes of the Roma Curia:

1. Præfectura Pontificalis Domus — Prefecture of the Papal Household,
2. Officium de Liturgicis Celebrationibus Summi Pontificis — Office for the Liturgical Celebrations of the Supreme Pontiff.

VIII. Advocati — Advocates

IX. Institutiones Sanctae Sedi adhaerentes — Institutions Connected with the Holy See:

Tabularium seu Archivum Secretum Vaticanum — Vatican Secret Archives,

Bibliotheca Apostolica Vaticana — Vatican Apostolic Library,

Variae Academiae, eminent Scientiarum Academia Pontificia — different Academies, among them stands out Pontifical Academy of Sciences,

Typographia Polyglotta Vaticana — Vatican Polyglot Press,

Officina libraria editoria Vaticana — Vatican Publishing House and its bookstore,

Statio Radiophonica Vaticana — Vatican Radio,

Centrum Televisificum Vaticanum — Vatican Television Centre,

Fabrica Sancti Petri — Fabric of Saint Peter's,

Eleemosynaria Apostolica — Office of Papal Charities.

Adnexa — Appendices:

Two appendices are attached to the text of the constitution: I. De pastorali momento Visitationis «ad limina Apostolorum», de qua in articulis a 28 to 32 (Pastoral Significance of the Visit “ad limina Apostolorum,” to Arts. 28—32) and II. De Apostolicæ Sedis adiutoribus uti laboris Communitate, de qua in articulis a 33 to 36 (The Collaborators of the Apostolic See as a Work Community, to Arts. 33—36).

2.3. Changes since 1988 prior to the pontificate of Pope Francis

During the pontificates of St. John Paul II and Benedict VI, namely, from 1988 to 2013, there were a large number of modifications of the Roman Curia.¹² These consisted either in transfers of competences from one dicastery to another, that is, without changing the structure of the Curia (we do not list these here), or in modifications of this structure. However, only in a minority of the modifications of the structure has there been an amendment of the Apostolic Constitution *Pastor bonus* itself.

Therefore, we list here only the largest of the modifications to the structure of the Curia¹³:

- John Paul II's motu proprio *Ecclesia Dei* of 2 July 1988, which established the Pontifical Commission *Ecclesia Dei* for the Priestly Fraternity of St Peter;
- John Paul II's motu proprio *Ecclesiae orientalis* of 15 January 1993 changed the existing Pontifical Commission "Pro Russia" into *Commisso Interdicasterialis Stabilis pro Ecclesia in Europa Orientali* — Permanent Inter-Dicasterial Commission for Eastern Europe;
- John Paul II's motu proprio *Inde a Pontificatus* of March 25, 1993, by which the Pontifical Council for Dialogue with Non-Believers is joined to the Pontifical Council for Culture and the *Pontificia Commissio de Patrimonio Artis et Historiae conservando* — the Pontifical Commission for Preserving the Patrimony of Art and History is renamed *Pontificia Commissio de Ecclesiae Bonis Culturalibus* — the Pontifical Commission for the Cultural Heritage of the Church;
- Benedict XVI's motu proprio *Ecclesiae unitatem* of 2 July 2009, by which the Commission Ecclesia Dei is joined to the Congregation for the Doctrine of the Faith;

¹² More professional articles deal with the reforms of the structure of the Roman Curia in particular subject areas, e.g. in the teaching function, in the care of the poor or migrants, and in the organization of the economic dicasteries; see: A. ROMANKO: "Reforma Urzędu Informacji Finansowej i Instytutu Dzieł Religijnych." *Prawo kanoniczne* 59/3 (2016), pp. 123–142 and M. MENKE: "Dykasteria ds. Komunikacji w strukturze Kurii Rzymskiej." *Kościół i Prawo* 24/2 (2022), pp. 9–25, <https://doi.org/10.18290/kip22112.1>. A summary description of the entirety of the changes can be found in the article: A. ROMANKO: "Reformy Římské kurie po vyhlášení Kodexu kanonického práva z roku 1983 do Apoštolské konstituce Praedicate evangelium." *Revue církevního práva — Church Law Review* 91/2 (2023), pp. 51–62.

¹³ For the sake of readability of the article, references to these documents are given only in the bibliography.

- the motu proprio of Benedict XVI. *Ubi cunquam et semper* of 21 September 2010, established the Pontifical Council for the New Evangelization;
- the motu proprio of Benedict XVI *La Sede Apostolica* of 30 December 2010 established the new dicastery Autorità di Informazione Finanziaria — Financial Reporting Authority and promulgated its statutes.

3. Integral Reform by the Apostolic Constitution of Pope Francis *Praedicate Evangelium*

3.1. Preparation of the reform under the pontificate of Pope Francis

Only a month after his election, Pope Francis announced on 13 March 2013, that he has established a group of cardinals to advise him in the government of the universal Church and to study a plan for revising the Apostolic Constitution on the Roman Curia, *Pastor bonus*, taking up a suggestion that emerged during the General Congregations preceding the Conclave.¹⁴ He transformed this group into the Council of Cardinals on 28 September 2013.¹⁵

The Pope also introduced many changes in the structure of the Curia, from which it was evident that what was to be expected was not amendments to the existing much changed and no longer transparent Apostolic Constitution *Pastor bonus*, but the creation and promulgation of a new apostolic constitution.¹⁶ First, it was a series of measures linked to the economy and finance:

- chirograph of 24 June 2013, by which he established the Commission on the “Vatican Bank”;
- chirograph of 18 July 2013, by which he established the Pontifical Commission for the Organization of the Economic and Administrative Structure of the Holy See;

¹⁴ *Comunicato della Segreteria di Stato* (13.04.2013). *Bulletino Sala Stampa della Santa Sede*, <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2013/04/13/0223/00502.html> [accessed 16.08.2024].

¹⁵ FRANCISCUS: *Chirographum quo instituitur Consilium Cardinalium ad adiuvandum Romanum Pontificem in Universali Ecclesia gubernanda adque suscipiendum consilium emendationis Constitutionis Apostolicae «Pastor Bonus» de Curia Romana* (28.09.2013). *Acta Apostolicae Sedis* 105 (2013), pp. 875—876.

¹⁶ For the sake of readability of the article, references to these documents are again given only in the bibliography.

- motu proprio *La promozione* of 8 August 2013 establishing, among others, the Committee for Financial Security as part of the anti-money laundering measures;
- motu proprio *Fidelis dispensator et prudens* of 24 February 2014, by which he established three new economic departments: the Council for Economic Affairs, the Secretariat for Economic Affairs and the Auditor General;
- motu proprio *Confermando una tradizione plurisecolare* of 8 July 2014, by which he transferred the Ordinary Section for the Administration of the Assets of the Apostolic See to the Secretariat for Economic Affairs, and a year later, on 22 February 2015, he promulgated their statutes;
- motu proprio *I beni temporari* of 4 July 2016 by which he clarified the competences of the Apostolic See's property management bodies.

Pope Francis also implemented a number of modifications to the structure of the Roman Curia, most notably with the following documents:

- by the motu proprio *L'attuale contesto comunicativo* of 27 June 2015 he established the Secretariat for Communication and promulgated its Statute the following year on 6 September 2016;
- by the motu proprio *Sedula Mater* of August 15, 2016 he established the Dicastery for the Laity, Family and Life and at the same time promulgated its statute approved on June 4, 2016;
- by the motu proprio *Humanam progressionem* published two days later, on 17 August 2016, he established the Dicastery for the Service of Integral Human Development and published its statute, dated the same day;
- by the motu proprio *Sanctuarium in Ecclesia* of February 11, 2017, he transferred competences regarding shrines to the Pontifical Council for the New Evangelization;
- by the *Ex audiencia* rescript of 23 June 2018, he changed the name of the Secretariat for Communication to the Dicastery for Communication;
- by the motu proprio *Da oltre trent'anni* of 17 January 2019, he abolished the Commission *Ecclesia Dei*;
- by the motu proprio *Fidem servare* of 11 February 2022 he changed the structure of the Congregation for the Doctrine of the Faith by establishing its two sections — doctrinal and disciplinary.

It came as a surprise to not a few canonists that some of the newly created parts of the Roman Curia bore the name *dicasterium*, which was (and still is) used as a general and indeterminate term for all components of the Roman Curia.

3.2. Implementation of the integral reform by the Apostolic Constitution *Praedicate Evangelium* of 2022

Pope Francis implemented the long-awaited and desired integral reform of the Roman Curia with the Apostolic Constitution *Praedicate Evangelium* of March 19, 2022.¹⁷ In view of the changes in the structure of the Curia that have taken place so far and are still in progress, in accordance with the Apostolic Constitution, it has been somewhat unusually established that the Constitution will come into *full* force on 5 June 2022 (final Art. 250).

In the rather long general text of the Introduction (numbered I) and the Principles and Criteria for the Service of the Roman Curia (numbered II) its theological background is summarized. In addition to the usual emphasis on the understanding of the Church as a community (I, 4), the ministerial and vicarious nature of the Curia (I, 8 and II, 5), and the mission to support the bishops with emphasis on the principle of subsidiarity (II, 3), there are many new aspects. Above all, there is a great emphasis on the Church's evangelizing mission to the world (I, 1) and therefore also on missionary conversion (I, 2) and on the missionary mission understood in a broad sense, not only as *missio ad gentes* (I, 3,) and on the fact that every Christian is a missionary (I, 10). In the area of cooperation between the Pope and the bishops, emphasis is placed on cooperation not only with the bishops' conferences, but also with their groupings and with the Eastern hierarchical structures (I, 7—9 and II, 4), which were not mentioned in the previous apostolic constitutions. This connection is marked no longer as an expression of collegiality (implicitly referred to in I, 5) but as an expression of synodality (I, 4).

A completely new element is the emphasis on the spirituality of the curia staff (II, 6) and on the personal integrity and professionalism associated with it (II, 7), while this staff is to represent the diversity in the Church,

¹⁷ FRANCISCUS: *Costituzione apostolica sulla Curia Romana e il suo servizio alla Chiesa nel mondo Praedicate Evangelium* (19.03.2022). *Acta Apostolicae Sedis* 114 (2022), pp. 375—455.

Although the Latin title *Constitutio apostolica Praedicate Evangelium de Curia Romana eiusque servitio pro Ecclesia et mundo* is given in the *Acta Apostolicae Sedis*, and although its Latin text is also given on the Apostolic See's website at https://www.vatican.va/content/francesco/la/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html [accessed 17.08.2024], the Constitution itself was promulgated in the Italian language and is also given in that wording in the *Acta Apostolicae Sedis*. Therefore, we have used the Italian name of the Constitution (except the bibliography) and will continue to quote from its Italian text, especially in the case of the names of the components of the Roman Curia.

including the diversity of cultures (II, 10). The General Norms (numbered III) specify that the staff is to be chosen not only from the clergy but also from the laity (Arts. 14—16). Time limits are also placed on the staff: appointment for a period of five years and the ceasing to hold office on reaching the age of 80, while prefects and secretaries are obliged to offer their resignation on reaching the age specified in the *Regolamento Generale della Curia Romana*. Clerical officials and members of institutes of consecrated life generally return to their local churches and communities after five years of service, which is intended to prevent clericalism and careerism (Art. 17).¹⁸ The previously established principle that the *sede vacante* ceases to hold office for all the heads of curial institutions, except for the Grand Penitentiary and the Almoner of His Holiness (Art. 18), is observed.

Since in determining the structures of the Curia it is necessary to respond to current stimuli, other official documents clarifying or regulating the structure and competences of the Roman Curia were issued shortly after the entry into force of this Constitution. However, it is beyond the scope of this article to discuss even these.

3.3. Structure of the Roman Curia according to the Apostolic Constitution *Praedicate evangelium*

The new structure is also based on the principle of reduction of dicasteries, as set out in text II, 11:

Si è reso necessario ridurre il numero dei Dicasteri, unendo tra loro quelli la cui finalità era molto simile o complementare, e razionalizzare le loro funzioni con l'obiettivo di evitare sovrapposizioni di competenze e rendere il lavoro più efficace.

It has been necessary to reduce the number of the Dicasteries, unifying those whose purpose was very similar or complementary, and streamlining their functions with the aim of avoiding an overlap of competencies and improving the effectiveness of their work.

It should be noted that here the term *dicasterium* is used to refer to each component of the Roman Curia. In the rest of the constitution, however, the term is used in a narrower sense, effectively including the earlier congregations and pontifical councils, as shown in no. 12:

¹⁸ Here I should like to point out that even the laity is not immune to careerism and a certain form of clericalism, as witnessed, among other things, by the experience of bishops' conferences and of some curia of local churches.

Art. 12

§ 1. La Curia Romana è composta dalla Segreteria di Stato, dai Dicasteri e dagli Organismi, tutti giuridicamente pari tra loro.

§ 2. Con la dicitura Istituzioni curiali si intendono le unità della Curia Romana di cui al § 1.

§ 3. Sono Uffici della Curia Romana la Prefettura della Casa Pontificia, l’Ufficio delle Celebrazioni Liturgiche del Sommo Pontefice e il Camerlengo di Santa Romana Chiesa.

Art. 12

§ 1. The Roman Curia is composed of the Secretariat of State, the Dicasteries and other Institutions, all juridically equal among themselves.

§ 2. The expression “curial institutions” is understood to mean the various components of the Roman Curia referred to in § 1.

§ 3. Among the Offices of the Roman Curia are the Prefecture of the Papal Household, the Office for the Liturgical Celebrations of the Supreme Pontiff and the Camerlengo of the Holy Roman Church.

This provision implies both an amended general designation of all the components of the Curia by the term “curial institution” and an amended definition of the types of components of the Roman Curia, as the following overview shows:

IV. Segreteria di Stato (in quanto Segreteria papale) — Secretariat of State (as the Papal Secretariat).

V. Dicasteri — Dicasteries:

1. Dicastero per l’Evangelizzazione (è presieduto direttamente dal Romano Pontefice) — Dicastery for Evangelization (is presided over directly by the Roman Pontiff),
2. Dicastero per la Dottrina della Fede — Dicastery for the Doctrine of the Faith,
3. Dicastero per il Servizio della Carità (chiamato anche Elemosineria Apostolica) — Dicastery for the Service of Charity (also known as the Office of the Papal Almoner),
4. Dicastero per le Chiese orientali — Dicastery for the Eastern Churches,
5. Dicastero per il Culto Divino e la Disciplina dei Sacramenti — Dicastery for Divine Worship and the Discipline of the Sacraments,
6. Dicastero delle Cause dei Santi — Dicastery for the Causes of Saints,
7. Dicastero per i Vescovi — Dicastery for Bishops,
8. Dicastero per il Clero — Dicastery for the Clergy,
9. Dicastero per gli Istituti di Vita Consacrata e le Società di Vita Apostolica — Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life,
10. Dicastero per i Laici, la Famiglia e la Vita — Dicastery for the Laity, the Family and Life,

11. Dicastero per la Promozione dell'Unità dei Cristiani — Dicastery for Promoting Christian Unity,
12. Dicastero per il Dialogo Interreligioso — Dicastery for Interreligious Dialogue,
13. Dicastero per la Cultura e l'Educazione — Dicastery for Culture and Education,
14. Dicastero per il Servizio dello Sviluppo Umano Integrale — Dicastery for Promoting Integral Human Development,
15. Dicastero per i Testi legislativi — Dicastery for Legislative Texts,
16. Dicastero per la Comunicazione — Dicastery for Communication.

VI. Organismi di giustizia — Institutions of Justice:

1. Penitenzieria Apostolica — Apostolic Penitentiary,
2. Supremo Tribunale della Segnatura Apostolica — Supreme Tribunal of the Apostolic Signatura,
3. Tribunale della Rota Romana — Tribunal of the Roman Rota.

VII. Organismi economici — Institutions of Finance:

1. Consiglio per l'economia — Council for the Economy,
2. Segreteria per l'economia — Secretariat for the Economy,
3. Amministrazione del Patrimonio della Sede Apostolica — Administration of the Patrimony of the Apostolic See,
4. Ufficio del Revisore Generale — Office of the Auditor General,
5. Commissione di Materie Riservate — Commission for Confidential Matters,
6. Comitato per gli Investimenti — Committee for Investments.

VIII. Uffici — Offices:

1. Prefettura della Casa Pontificia — Prefecture of the Papal Household,
2. Ufficio delle Celebrazioni Liturgiche del Sommo Pontefice — Office for the Liturgical Celebrations of the Supreme Pontiff,
3. Camerlengo di Santa Romana Chiesa — Camerlengo of the Holy Roman Church.

IX. Avvocati — Advocates:

1. Albo degli Avvocati presso la Curia Romana — Register of Advocates of the Roman Curia,
2. Corpo degli Avvocati della Santa Sede — Corps of Advocates of the Holy See.

X. Istituzioni collegate con la Santa Sede — Institutions Associated with the Holy See:

1. L'Archivio Apostolico Vaticano — Vatican Apostolic Archive,
2. Biblioteca Apostolica Vaticana — Vatican Apostolic Library,
3. Fabbrica di San Pietro — Fabric of Saint Peter,
4. Pontificia Commissione di Archeologia Sacra — Pontifical Commission for Sacred Archaeology,

5. Different Accademies, among which stand out the Pontificia Accademia delle Scienze, la Pontificia Accademia delle Scienze Sociali e la Pontificia Accademia per la Vita — Pontifical Academy of Sciences, the Pontifical Academy of Social Sciences and the Pontifical Academy for Life,
6. Agenzia della Santa Sede per la Valutazione e la Promozione della Qualità delle Università e Facoltà Ecclesiastiche (AVEPRO) — Agency for the Evaluation and Promotion of Quality in Ecclesiastical Universities and Faculties,
7. Autorità di Supervisione e Informazione Finanziaria — Supervisory and Financial Information Authority.

Apart from the introduction of the term *dicasterium* in a narrower sense and its application to the hitherto differently-named components of the Roman Curia, it is striking to those familiar with the tradition of the structure of the Curia that the Dicastery for the Doctrine of the Faith is not listed first (which corresponded to the principle that one must first be clear about what doctrine of the Church is to be proclaimed), but the Dicastery for Evangelization is listed first, which corresponds both to the title of this Apostolic Constitution and to the priorities of Pope Francis. Another change is the large number of Curia components dedicated to economic administration: while this corresponds to the current calls for economic transparency in the administration of the Apostolic See's property, it can easily lead, on the other hand, to a certain lack of clarity in the mission and competences of the different components, which may contradict the principle of the reduction of the Dicasteries and the clear definition of their competences, expressed in the text of II.10 of this Constitution.

It can therefore be stated that the reform of the structure of the Roman Curia, implemented by Pope Francis, follows the path of limited continuity — or, to say the opposite, of limited discontinuity.

4. Comparison of the structure of the Roman Curia according to the Apostolic Constitution *Praedicate Evangelium* with the 1983 Code of Canon Law and with the 1990 Code of Eastern Churches

The Code of Canon Law of 1983¹⁹ speaks of the Roman Curia explicitly in a unique canon:

¹⁹ *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983). *Acta Apostolicae Sedis* LXXV (1983), pars II, I—320, correctiones: *Appendix de die 22 Septembris* 1983, pp. 321—324.

Can. 360 — Curia Romana, qua negotia Ecclesiae universae Summus Pontifex expedire solet et qua nomine et auctoritate ipsius munus explet in bonum et in servitium Ecclesiarum, constat Secretaria Status seu Papali, Consilio pro publicis Ecclesiae negotiis, Congregationibus, Tribunalibus, aliquisque *Institutis*, quorum omnium constitutio et competentia lege peculiari definiuntur.

Can. 360 — The Supreme Pontiff usually conducts the affairs of the universal Church through the Roman Curia which performs its function in his name and by his authority for the good and service of the churches. The Roman Curia consists of the Secretariat of State or the Papal Secretariat, the Council for the Public Affairs of the Church, congregations, tribunals, and other institutes; the constitution and competence of all these are defined in special law.

In the Code of Canons of Eastern Churches²⁰ we do not find a corresponding general text on the Roman Curia.

Compared to the Code text, we see several inconsistencies:

1. The Council for the Public Affairs of the Church was incorporated by the Apostolic Constitution of St. John Paul II *Pastor Bonus* into the Secretariat of State as its second section, so that it ceased to exist as a separate dicastery. This discrepancy has not yet been corrected despite two subsequent apostolic constitutions on the Roman Curia.
2. The Code clearly speaks of congregations, but they are not included in Pope Francis' Apostolic Constitution of 2022. Congregations of Roman Curia are clearly referred to in the 1983 Code of Canon Law in canons 1362, 1709, and 1710; in the Code of Canons of the Eastern Churches there are no mention about such congregations, because the Eastern Catholic Churches are under a unique congregation — the Congregation for the Oriental Churches. This discrepancy has not been corrected too.
3. But there is a far greater discrepancy as to the meaning of the term *dicasterium*. The 1983 Code of Canon Law, in full conformity with the canonical tradition codified in the Apostolic Constitution of St. Paul VI *Regiminis Ecclesiae universae* of 1967, as well as in the Apostolic Constitution of St. John Paul II *Pastor bonus* of 1988, uses it as a general and indefinite designation of every component of the Roman Curia — see canons 64, 354, 1445. It is used in the same way in the Code of Canons of the Eastern Churches in canons 45, 48, 1056 and 1386. Instead of this term, the Apostolic Constitution *Praedicate Evangelium* uses the term “curial institution,” which, however, does not appear in the Codex Law.

²⁰ *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990). *Acta Apostolicae Sedis* 82 (1990), pp. 1033—1064.

These divergences cause a lack of consistency in the canon law of the Catholic Church, bearing in mind that the primary collections of canon law are the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches. Therefore, extra-canonical norms should either be in conformity with these Codes or amend them in an appropriate manner, which has not happened and which, in my opinion, remains a task for the Pope, which will probably only be implemented by a successor to the Pope Francis (ideally by his first successor).

Conclusion

The reform of the Roman Curia by the Apostolic Constitution of Pope Francis *Praedicate Evangelium*, on the one hand, follows the existing development of the modifications of the structure and mission of the Roman Curia, but it also partly departs from them.

It introduces new accents that have not yet been included in the adaptations of the Roman Curia: A great emphasis on the Church's evangelizing mission to the world, missionary conversion and missionary mission, as well as on the fact that every Christian is a missionary; in the area of cooperation between the Pope and the bishops, an emphasis on cooperation not only with the episcopal conferences but also with their groupings and with the Eastern hierarchical structures, which were not mentioned in the previous Apostolic Constitutions; and the use of the term *synodality* instead of the previously used *collegiality*; and, above all, significant changes regarding the personnel of the Curia.

There are several new elements in the area of the curia staff: emphasis on the spirituality of the curia staff as well as on personal integrity and professionalism; the staff is to represent the diversity in the Church, including the diversity of cultures; the staff is to be selected not only from the clergy but also from the laity. Time limits for staff are amended: appointment for five years, ceasing to hold office on reaching the age of 80, prefects and secretaries are required to offer their resignation on reaching the age specified in the *Regolamento Generale della Curia Romana*. Officials from the ranks of clerics and members of institutes of consecrated life generally return to their local churches and communities after five years of service, which is intended to prevent clericalism and careerism. The traditional principle that *sede vacante* all heads of curial institutions cease to hold office, with the exception of the Grand Penitentiary and the Almoner of His Holiness, is observed.

The emphasis on the evangelizing mission of the Church was reflected not only in the title of the Apostolic Constitution, but also by placing the Dicastery for Evangelization first, before the Dicastery for the Doctrine of the Faith.

The discontinuity is evident in the change of the general designation of the components of the Curia: the term *curial institution* is now used instead of the term *dicasterium*. The term *dicasterium* is given a new, narrower meaning: it refers to the parts of the Curia replacing the former congregations and pontifical councils, which is also a sign of discontinuity. These changes, however, have created quite a significant inconsistency between this Apostolic Constitution and the general law of the Church, especially between the Codices, where both the Western and the Eastern Codes use the term *dicasterium* in its previous meaning, that is, as a general and indeterminate designation of any component of the Roman Curia; in addition, the Western Codex speaks of the Congregations of the Roman Curia, which no longer exist after Pope Francis' reform. Nor has canon 360 of the 1983 Code of Canon Law been modified, which continues to speak of the Council for the Public Affairs of the Church, which was already by the constitution of St. John Paul II *Pastor bonus* of 1988 incorporated into the Secretariat of State. These discrepancies are all the more serious because both the Western and the Eastern Code of Canon Law are the primary collections of canon law, while changes have been made by way of extra-canonical norms without harmonizing these legal arrangements. This remains a task that probably awaits a successor to Pope Francis; our desire is that his first successor should do so.

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DAMIÁN NĚMEC

La réforme de la Curie romaine introduite par le Pape François : continuité et discontinuité juridique

Résumé

Cet article examine la réforme de la Curie romaine mise en œuvre en 2022 par la constitution apostolique *Praedicate evangelium* du Pape François. Il ne se concentre pas sur la forme de la structure redéfinie de la Curie romaine, mais situe cette réforme dans un contexte historique plus large, en insistant sur la comparaison avec les réglementations antérieures des papes Sixte V en 1588, Pie X en 1908, le premier Code de droit canonique de 1917 ainsi que deux réformes postérieures au Concile Vatican II, celles du Pape Paul VI en 1967 et de Jean-Paul II en 1988. L'article met en évidence à la fois la continuité partielle de la réforme du Pape François avec les régulations antérieures et ses nouvelles orientations, ainsi que la discontinuité juridique partielle qui entraîne des divergences dans le droit canonique entre les dispositions du Code de droit canonique de 1983 et du Code des canons des Églises orientales de 1990, d'une part, et la constitution apostolique du Pape François, d'autre part. Ces divergences devront être résolues à l'avenir, soit par de nouvelles modifications dans la structure de la Curie romaine, soit par des changements dans les dispositions des deux codes existants.

Mots-clés : Église catholique, droit canonique, codes de droit canonique, Curie romaine, constitutions apostoliques, continuité et discontinuité juridique

DAMIÁN NĚMEC

La riforma della Curia romana introdotta da Papa Francesco: continuità e discontinuità giuridica

Riassunto

Quest'articolo analizza la riforma della Curia romana attuata nel 2022 dalla costituzione apostolica *Praedicate evangelium* di Papa Francesco. Non si concentra sulla forma della struttura ridefinita della Curia romana, ma colloca questa riforma in un contesto storico più ampio, con particolare attenzione al confronto con le precedenti regolamentazioni dei papi Sisto V del 1588, Pio X del 1908, il primo Codice di diritto canonico del 1917, nonché con due riforme successive al Concilio Vaticano II, quelle di Papa Paolo VI del 1967 e di Giovanni Paolo II del 1988. L'articolo evidenzia sia la continuità parziale della riforma di Papa Francesco con le precedenti regolazioni giuridiche e i suoi nuovi accenti, sia la discontinuità giuridica parziale, che porta a divergenze nel diritto canonico tra le disposizioni del Codice di diritto canonico del 1983 e del Codice dei canoni delle Chiese orientali del 1990, da un lato, e la costituzione apostolica di Papa Francesco, dall'altro. Queste divergenze dovranno essere risolte in futuro, o mediante ulteriori modifiche nella struttura della Curia romana, o attraverso cambiamenti nelle disposizioni dei due codici esistenti.

Parole chiave: Chiesa cattolica, diritto canonico, codici di diritto canonico, Curia romana, costituzioni apostoliche, continuità e discontinuità giuridica

Part Two

Reviews

Damián NĚMEC:
*Standary konkordátní smlouvy o majetkových
otázkách na vzoru plánované smlouvy mezi
Slovenskem a Svatým stolcem
ve světle současných konkordátních úmluv*
[Standards for a Concordat Agreement
on Property Issues, Based on the Model
of the Planned Agreement
between Slovakia and the Holy See
in the Light of the Current Concordat
Conventions]
Praha: Leges, 2024

The author of the book, Professor Damián Němec is a Czech Dominican priest who teaches canon law at the Faculty of Theology in Olomouc (Czech Republic). Concordat law has been one of his long-standing interests: he has published numerous scholarly articles on the issue and, in particular, a comprehensive study entitled *Konkordátní smlouvy Svatého stolce s postkomunistickými zeměmi* (1990—2008), published in Bratislava in 2010 by the recently dissolved, state-supported think tank known as Ústav pre vzťahy štátu a cirkví (Institute for State-Church Relations). In 2012, it came out in an English edition as *Concordat Agreements between the Holy See and the Post-Communist Countries* (1990—2010) in

the Law and Religion Studies edition, No. 8, published by Peeters Publishers based in Leuven, Belgium.

The reviewed publication is one of the outputs of the VEGA grant project 1/0170/21 "Medzinárodnoprávne záväzky Slovenskej republiky v oblasti financovania Katolíckej cirkvi / International legal obligations of the Slovak Republic in the field of financing the Catholic Church." The grant was awarded to the Institute for the Legal Issues of Religious Freedom [Ústav pre právne otázky náboženskej slobody] at the Faculty of Law, University of Trnava (Slovak Republic). The institute, founded in 2012, can be seen as a continuation of the institute originally funded by the Slovak Ministry of Culture. By now, however, it has been turned into an academic institution. The continuity of the scholarly focus is also represented by the director of both institutes, Michaela Moravčíková, Th.D. Looking at Němec's two books, one can indicate a continuum regarding the issues and themes for which these institutes were established. Nevertheless, while his first book focused on concordats in general and themetized those agreements mainly from the viewpoint of a certain type of countries, the publication in question, which has been released at the end of 2024, only handles those aspects of the treaties — as is suggested by the thematic focus of the grant — which deal, at least in part, with financial and property issues.

The author deemed it appropriate to discuss first the interplay between canon law and secular law. This seems well justified for the very reason that concordat law itself, that is, the law on treaties concluded by the Holy See as a subject of international law with states and other subjects of international law, represents the most eloquent manifestation of their interpenetration. Indeed, the treaties thus concluded by the Catholic Church are the sources of three legal systems: first, they are sources of public international law in the sense of the Vienna Convention on the Law of Treaties and other international agreements; furthermore, a source of the law of the Catholic Church, as evidenced by their publication in the official journal *Acta Apostolicae Sedis*; and, finally, treaties which are subject to ratification by national parliaments also become sources of national law. In view of the application of the principle of *pacta sunt servanda*, they enjoy greater legal force than national legislation.

In the first chapter of the book dealing with the mutual interpenetration of the mentioned legal systems, we encounter citations of the basic canons from the Code of Canon Law that provide for these mutual interpenetrations. What is striking here is that the author cites the Code of Canons of the Eastern Catholic Churches in the Slovak language (adding his own translation into the Czech language), the reason for that probably

being the absence of the official approved translation of the “Eastern” Code into Czech.

In the second chapter, the author provides the necessary distinctions on the nature of the contracts: in one way or another, they concern the economic autonomy of the Church. He makes a vital distinction between general regulations, found in more generally formulated basic contracts or shorter general contracts, and detailed regulations, more narrowly specialized in economic and property relations, whether they are found in detailed concordats or in completely specialized contracts dealing only with property issues.

The third chapter introduces the reader to eight sub-contracts of the concordats dealing with property issues. The first of these is the treaty with Austria: in fact, its original form was concluded before Vatican II (1960). Further supplements (*Zusatzverträge*) to it were later negotiated, the list of which is given with expert precision by the author. For readers from a post-Communist background, it is probably no surprise that property injustices in Austria were caused not only by the Nazi regime, but also by the state power of the Soviet occupation zone between 1945 and 1955.

The 1979 treaty with Spain also radiates a sense of reconciliation in the relationship of the Catholic Church after the fall of the authoritarian regime of General Franco. Together with Italy, Spain is a model for the introduction of tax assignation, that is, the designation of a part of the tax to support the Church at the will of the taxpayer. There is also a provision for a transitional period: its purpose is to ensure that the introduction of a new system of church funding does not immediately cause an unwanted reaction. One can assume an analogy of this requirement, together with the promise to introduce a new model of Church financing as soon as possible, hugely contributed to the failure of the ratification process of the Treaty between the Czech Republic and the Holy See on the regulation of mutual relations (*Smlouva mezi Českou republikou a Svatým stolcem o úpravě vzájemných vztahů*), signed in 2002. Indeed, the tax assignation system itself was introduced in Spain only in 1988.

Further, the book handles a series of treaties with Italy, especially the 1984 Concordat Treaty, known as the *Accordo di Villa Madama* after the place where it was entered into. This was, practically, a revision of the Concordat between the Holy See and Mussolini, concluded in 1929. It is also followed by partial treaties addressing economic matters, the need for which was also determined by the existence of the Vatican City State, which represents a certain rarity compared to the situation in other countries.

Once the author familiarizes the reader with the content of the property treaty concluded with Malta, the book goes on to deal with the first treaty with a former Eastern Bloc country, namely Hungary (signed 1997). In fact, Hungary was the first former satellite state of the Soviet Union to attempt to address this issue in the form of a concordat treaty. It came at a time when negotiations on the issue of ecclesiastical restitution in the Czech Republic were seriously stalled. In the collection called *Texty ke studiu konfesního práva* (Texts for the Study of Confessional Law), the late Professor Ignác Antonín Hrdina remarked that the Hungarian treaty “prove[d] that issues of the relationship between church and state, even in such a delicate area as property, can even today be solved to the satisfaction of both parties, as long as there is the political will behind it.” Němec points out, however, that in this treaty Hungary refers to and develops the provisions of the restitution law already approved in 1991; indeed, the introduction of tax assignation presents another an important innovation of the treaty.

Croatia, whose 1998 property treaty is presented as the one logically and chronologically following Hungary, experienced a relatively freer development within the Socialist Federal Republic of Yugoslavia, but also a difficult period of war in the early 1990s. Nevertheless, the restitution clause of the Concordat makes clear that even the relatively liberal regime of General Tito did not hesitate to illegally take hold of the property of the Church.

Finally, the author takes the reader to the state as remote as the Philippines, with its 2007 Cultural Heritage Treaty, and last but not least, to Albania, where the Catholic Church and other religious organizations and societies lived under extreme conditions under the consistently atheistic Hoxha regime. For each of these treaties, the author reflects — following the grant brief — on what might inspire the Slovak property treaty project.

The fourth chapter deals with treaty arrangements that do not only concern economic matters, but still contain provisions in this area. Excerpts of the treaties the Holy See concluded with African states that formerly used to be French or Belgian or Portuguese colonies are also presented. On the other hand, the fourth chapter also touches upon the treaties with the German *Länder*, that is, the federal states of the present-day Germany. Indeed, in the reunified Germany, new detailed regulations were needed, especially in the case of the so-called new federal states, that is, the *Länder* of the former German Democratic Republic, which used to pursue an official anti-religious policy with all its consequences, including the ones dealing with financial and property issues. Beyond the undoubtedly sophisticated legal framework of the contractual arrangements presented in the book, however, it must be acknowledged that the obligation

of the faithful to pay church tax as a surcharge on personal income tax has become a catalyst for the ongoing crisis of the German churches, both the Catholic Church as well as the Protestant Land Churches. The annual withdrawal of many hundreds of thousands of taxpayers from the church (*Kirchenaustritte*) indicates the practice of religion, hitherto expressed in Germany as the fulfilment of a certain civic duty, is being irreversibly and massively abandoned. In terms of expenditure, the financially demanding system implemented in the weakened Catholic Church in the former German Democratic Republic led the Archdiocese of Berlin to accumulate an astronomical debt of 148 million euros in 2003.

In the fifth chapter, the author examines how the various foreign concordat treaties affect the legal order of the Slovak Republic, and the actual concordats that have already been concluded between the Holy See and Slovakia. Of the national regulations, the most significant for the position of the Catholic Church remains Act No. 308/1991 Coll., on Freedom of Religious Belief and the Status of Churches and Religious Societies (Zákon č. 308/1991 Zb. o slobode náboženskej vieri a postavení cirkví a náboženských spoločností), already amended several times. Slovakia has also adopted restitution legislation since 1993 and at the same time overcame the communist Act on the Economic Security of Churches and Religious Societies (Zákon o hospodárskom zabezpečení cirkví a náboženských spoločností štátom) by adopting the modern Act No. 370/2019 Coll. on Financial Support for the Activities of Churches and Religious Societies (Zákon o finančnej podpore činnosti cirkví a náboženských spoločností). Since 1999, Slovakia has also allowed tax assignation for churches.

The author goes through the individual segments concerning material support of the Catholic Church as regulated by foreign concordat treaties and compares them with Slovak regulations in the areas of the freedom to acquire, own and transfer property, possible expropriation of church property, restitution of church property, church financing and tax assignation, financing of public benefit activities of the church, heritage care and archives, fiscal concessions, inviolability, modifications and construction of sacred places. As a culmination of his synoptic comparisons, the author presents in Chapter 6 his own, in his own words "academic," proposal for a partial concordat between Slovakia and the Holy See on property matters, the future negotiation of which has been referred to in the Slovak Basic Treaty. The draft is written in Slovak and the author discusses various options depending on the circumstances that would arise, for example: "This paragraph of the preamble would have its justification in the event of a political decision not to address the restitution of formerly ecclesiastical property further..." The author's proposed treaty would contain a preamble and seven articles: Article 1. Guarantee of

Property Autonomy (*Garance majetkové autonomie*); Article 2. Revenues of the Catholic Church (*Příjmy katolické církve*); Article 3. Financing of Catholic Church Activities in the Public Interest (*Financování činností katolické církve ve veřejném zájmu*); Article 4. Places of Worship and Ministry (*Místa pro bohoslužbu a duchovní službu*); Article 5. Care of Cultural Monuments (*Péče o kulturní památky*); Article 6. Tax Relief (*Daňové úlevy*); Article 7. Final Provisions (*Závěrečná ujednání*). The second part of the book, practically a half of it, consists of the complete texts of the various treaties which the author has discussed in the course of his exposition. The texts are given in three languages, namely in the bilingual original, for example in Italian and in the respective national language (variants differ, English is also common), in the third column, in addition, there is also the translation into Czech.

In its general concept and scope, this work by Damián Němec exceeds the immediate dimension of the task given by the grant project. Contractual law with the Catholic Church has also become an independent discipline, as documented, for example, by the Italian term *Diritto concordatario*, denoting not only the relevant contractual regulations but also an academic discipline. Němec's book thus becomes an important contribution to the development of this scholarly field. The Czech Republic is still awaiting ratification of the new concordat, but it is not expected to contain provisions on church financing. Even if that is the case, it is desirable to look at the property situation of the Catholic Church in the neighbouring Slovakia and in many other countries for comparison.

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Sławomir GOŁĘBIOWSKI:
W obronie własnej tożsamości
[Defending the Identity]
Płock: Wydawnictwo Kościoła Starokatolickiego
Mariawitów, 2024

For over 100 years, the topic of the Mariavites has been electrifying various church circles, especially since the initial reform movement transformed into a separate Church without subordination to the Bishop of Rome. Today, this heritage is represented in Poland by the Old Catholic Mariavite Church and the Mariavite Catholic Church. The issue is still relevant, as there are many stereotypes, insinuations and even lies and mockery. In this regard, it is necessary to note the fact that an important publication on the history and practice of the Mariavite movement, especially the person of Sister Feliksa Maria Franciszka Kozłowska, known as Mateczka, and Archbishop Jan Maria Michał Kowalski, the first Minister General of the Congregation of Mariavite Priests, has appeared on the Polish market. It is a book by Sławomir Gołębiowski entitled *W obronie własnej tożsamości* (Defending the Identity), published by the Old Catholic Mariavite Church in Poland in 2024. The author of the publication is not a theologian, but a member of this Church, engaged in researching the Mariavite cause.

The context of the presented book is four publications that appeared in 2019—2024. The first publication is a book by Ewa K. Czaczkowska entitled *Mistyczki. Historie kobiet wybranych* ([Female mystics. Histories of Elected Women], Wydawnictwo Znak 2019). The second is a text by Andrzej Kanse entitled *Funkcje prasy wyznaniowej. Studium na przykładzie*

mariawitów ([Functions of Denominational Press. A Study Based on the Example of the Mariavites], Wydawnictwo Naukowe Akademii Mazowieckiej in Płock 2020). The third publication is a book by Andrzej Dwojnych and Rafał Łętocha entitled *W stronę Królestwa Bożego na ziemi. Myśl społeczno-polityczna mariawitów polskich* ([Towards the Kingdom of God on Earth. The Socio-Political Thought of the Polish Mariavites], Wydawnictwo Uniwersytetu Jagiellońskiego 2021), and the fourth is *Trzeci Adam. Opowieść o mariawitach* (The Third Adam. A Story of Mariavites), by Jerzy Pietrkiewicz (Wydawnictwo Iskry 2024).

Sławomir Gołębiowski's publication consists of a "From the Publisher" section, an introduction entitled "Author to the Readers," and four chapters. The author draws attention to the difficulties associated with the study of Mariavitism, with the prevailing stereotypes, prejudices, historical inaccuracies (lies). The publication must be classified as popular ecclesial history, especially due to the author's sometimes casual manner of expression.¹

The first chapter (pp. 13—61) is entitled "Maria Franciszka Kozłowska wśród kobiet wybranych" (Maria Franciszka Kozłowska among the Chosen Women). The basis for the text is the already mentioned book by Ewa K. Czaczkowska *Mistyczki. Historie kobiet wybranych*. At the outset, the author attempts to explain the essence of mysticism as extrasensory, direct communication between the Man and God, which culminates in mystical union and mystical ecstasy. A special form of this union, according to the theology of mysticism, is mystical marriage. The importance of the issue of language should also be noted: the language of the described Wanda Boniszewska, Alicja Lenczewska, and Wanda Malczewska is simple in expression. Kozłowska's language is different: orderly and logical. In the case of the first three mystics, Ewa Czaczkowska also notes the possibility of third-party interference in the text of their messages, but she remains very tolerant here. It is completely different in the case of Mateczka — the author strongly reproduces the widespread theses about the falsification of the revelations by the Mariavites, which finds no ample justification.

Gołębiowski then presents some facts from the work of the Mixed Committee for Theological Dialogue between the Roman Catholic Church and the Old Catholic Mariavite Church. He reveals the intricate history of the Mariavite reform and the reaction of the Church, especially the Bishop of Płock and the Holy See. The author highlights the falsified picture of reality, such as the claim that the bishops knew nothing about the hidden congregations of the Mariavite Priests and the Mariavite Sisters (arising

¹ S. GOŁĘBIAWSKI: *W obronie własnej tożsamości*. Płock 2024, p. 11.

from the so-called Honrat Koźmiński movement), as well as the fairness of the ongoing trials, especially against Maria Franciszka. The key issue is the forgery of Mateczka's main work — *Dzieła Wielkiego Miłosierdzia*. The Catholic side blames the Mariavites (including a publication by Rev. Prof. Henryk Seweryniak). Gołębiowski shows the unfoundedness of such a claim, articulating the argument that it was Bishop Szembek of Płock and representatives of the diocesan curia in Płock who committed the crime of falsifying the text of Maria Franciszka, which contributed to its condemnation, and which was connected with Bishop Szembek's clear dislike of the Mariavites and his declaration of a final end to the Mariavite cause. The author justifies his thesis in a very concrete way, also analyzing the correspondence of the Mariavites with Rome, as well as the social anti-Mariavite campaign developed in the early 20th century.

The most interesting part of this chapter is the logical and factual demonstration of the numerous errors, and even reproduced falsehoods, in Ewa Czaczkowska's book. Among them are the following: the claim that Feliksa Kozłowska graduated from high school without a passing an examination (when, meanwhile, girls were not allowed in the Russian partition to take the high school diploma examination and study); the emphasis on her character: firmness and stubbornness, when in the meantime such traits were not befitting of women (the author presents this issue in clearly biased way without seeing the good of these leadership qualities); the thread about the sisters' purchase of property for the convent and the future Temple of Mercy and Charity (when in the meantime it was Feliksa Kozłowska herself who purchased the land); the assertion that at the first revelation Mateczka "lost her senses" (while the text of the revelation states "I was detached from my senses," which means detachment or removal, not atrophy or loss); the assertion that the most important thing for Kozłowska was the establishment of a religious congregation (when, in fact, the goal was to rectify the life and ministry of the clergy and restore reverence for the Blessed Sacrament and the Mother of God), the claim that Maria Franciszka is similar to the Mother of God and that she was freed from the passions (when, meanwhile, in the texts of Mateczka there is the statement "seek your resemblance in the Most Holy Mother," where she does not equate herself with Mary, and the phrase about being freed from the passions does not imply sinlessness, as is clearly shown in various mystical texts unquestioned by Catholic theology); the claim that Kozłowska and the priest Felicjan Strumiłło confessed to each other (when it was a matter of mutual confiding and strengthening, not performing the Sacrament of Penance); the claim that Rev. Jan Kowalski was appointed by Kozłowska as the head of the Mariavite movement (when, in fact, he became the Minister General of the hidden

Congregation of Mariavite Priests); mixing the terms “synod” and “chapter”; claiming that Rev. Kowalski ordered the collection of information about the immoral (promiscuous) lives of some Roman Catholic priests, when he himself entered into marriage in 1922 with the superior of the Mariavites Antonina M. Izabela Wiłucka (while the Mariavites collected information in 1905 about priests living in cohabitation, and Kowalski married Wiłucka in 1922, in accordance with the law, after the Old Catholic Mariavite Church abolished compulsory celibacy of clergy); the claim that five people were killed at the hands of the Mariavites in Stryków (when it was an attack by a militia composed of Roman Catholics on the Mariavites, and the latter defended themselves); claiming that the Mariavite monastery was like a brothel because Kozłowska “communed with priests” (when, in fact, no testimonies confirm this, and the Old Polish verb ‘to commune’ simply means trusting relations); pointing out that Mateczka appeared in bishop’s attire (when referring to a doctored photograph in which Kozłowska looks like an Orthodox nun); attempting to disavow the positive opinion on the content of Kozłowska’s revelations, which was prepared by Roman Catholic Rev. Wojciech Rózyk. The final conclusion is that Ewa Czaczkowska’s publication is not impartial, so it is characterized by bias, and the biography is written according to a pre-conceived thesis.

The second chapter (pp. 63—88) entitled “Uwagi do książki Andrzeja Kansego” (Comments on Andrzej Kanse’s book) (professor at the Mazovian Public University in Płock) presents a polemic against the book *Funkcje prasy wyznaniowej. Studium na przykładzie mariawitów*. Sławomir Gołębiowski lists among the numerous errors in the discussed publication by Kanse: inaccurate use of terminology from canon and denominational law; confusion of facts and people; lack of precision in the scope of work; claiming that the Mariavite sisters made their living from sewing clothing for the clergy, while they were engaged in embroidery, weaving, tailoring, hosiery, sewing liturgical vestments; claiming that a Mariavite house was established in Lublin (while the sisters cooperated with the Lublin Charity Society); omitting information about the charitable activities of the Mariavites during the Russo-Japanese War and World War I; claiming that Bishop Szembek asked the Vatican to dissolve the Mariavite congregations (when, in fact, the congregations had no formal approval); claiming that after 1906 (separation from the Roman Church) the Mariavites had no superior authority (when, in fact, the General Chapter of the Mariavite Congregation of Priests appointed Rev. Kowalski as the representative of the Mariavite parishes to the authorities; the claim that the Mariavite bishops were decorated by the tsarist authorities (when, in the meantime, during the audience, everyone admitted had to have orders; therefore,

Roman Catholic clergy, including bishops, had orders); the claim that the Mariavites were supported by the tsar (when, in the meantime, this was a narrative reproduced in Poland without any justification, similarly, the unfounded allegation of Mariavite sympathy for the Germans; accusing the Mariavites of riots in Leszno (when, in the meantime, they were the victims); describing the altar in Kozłowska's cell (when, in fact, the altar was not built until 1965); claiming that Bishop Kowalski decided who should be given the episcopal sacra (when, in the meantime, it was the Chapter that decided); the claim that the Mariavites succumbed to tsarist censorship and published the dates of tsarist court holidays (when, in the meantime, this was common practice in the Russian partition); the claim that publishing activities were hampered after 1914 by the impoverishment of the Church (when, in fact, the Mariavites were never wealthy, and during the war they donated money to help the needy); the claim that the Mariavites cooperated with the authorities, including the communist authorities (while all religious associations undertook some form of cooperation); the claim of the existence of the Mariavite paramilitary organization "Strzelec" (when, in fact, it was a nationwide and non-Mariavite organization); the testimony that the nun Jadwiga Pełczyńska replaced two priests in priestly ministry (A. Kansy, however, did not point out that for a short period the Mariavites ordained women priests); the claim that Bishop Kowalski was Mateczka's successor (when, meanwhile, Kowalski was not the superior of the nuns); the reproduction of accusations against Bishop Kowalski of lewd acts (when, meanwhile, Kansy mixed up trial records with court records, and the reproduction of false accusations of inciting the public, interference with the biblical text; at the same time, according to Gołębiowski, there is a reasonable suspicion of the real involvement of the Płock curia in the organization of the trial); the claim that the Mariavites incited the workers to revolt (when, meanwhile, Mariavite journalism was not accepted by Roman Catholics); an assessment of the Mariavite reform in 1935 that is inconsistent with the facts; the claim that the Mariavites were dependent on communist power (meanwhile, it should be remembered that in 1956 a decree on organizing and filling church positions came out); the claim that the social programme of the Mariavites coincided with the ideas of the Polish United Workers' Party (yet this programme was forged at the turn of the 20th century); the claim that after 1945 relations between the Roman Catholic Church and the Old Catholic Mariavite Church were correct (meanwhile, these relations were not); the claim that the Mariavites did not have major publishing initiatives (meanwhile, it was the state authorities that hindered it). The author's conclusion is harsh: errors disqualify the publication. The challenge for further research is to juxtapose the devastating opinion of

Stanisław Gołębiowski with the positive assessment of Andrzej Kanse's publication by Rev. Henryk Seweryniak.²

The third chapter (pp. 89—140) is entitled "Rozważania z książką *W stronę Królestwa Bożego na ziemi w tle*" (Discourses with the Book *W stronę Królestwa Bożego na ziemi* [Towards the Kingdom of God on Earth] as the Background). It is a polemic against the interdisciplinary publication by Andrzej Dwojnych and Rafał Łętocha. The author notes that it is not insignificant that the publication was written in the Kraków environment, which, in his opinion, is not friendly to religious minority communities, as well as the noted difficulty of objectively reporting on anti-Roman Catholic Church movements. The first sentence of the polemic is the author's disagreement with the claim that the Mariavite movement arose before the revelations that the Mariavites believed Feliksa Kozłowska had. It was the revelations contained in the *Dzieło Wielkiego Miłosierdzia* that were central to the Mariavite reformation. It is impossible to analyze and evaluate the Mariavite movement without reference to the revelations, as well as other writings of the Foundress (*Życie Duchowne, Trzydniowe rekolekcje*, letters). In this sense, Mateczka had leadership functions, but in a moral sense, towards priests and seculars. She required obedience from the nuns in accordance with the legislation of the congregation. The author points out that it is necessary to take into account the works of Mateczka, but also of Mariavite authors, especially Archbishop M. Michał Kowalski and Bishop M. Jakub Próchniewski. This work is erroneously attributed by Dwojnych and Łętocha to Kowalski. This postulate is important, as all later writing grows from this root. Another omission of the book *W stronę Królestwa Bożego na ziemi. Myśl społeczno-polityczna mariawitów polskich* is also the lack of an in-depth analysis of the influence of Franciscan spirituality on Mariavite spirituality, after all, Mariavitism is embedded in the ideas of St. Francis of Assisi, especially the need for evangelical renewal, the emphasis on the importance of the Eucharist and the ability to properly read inner inspirations. In the same way, an in-depth study of the Rev. Honorat Koźmiński religious orders movement (hidden religious congregations approved by the Church authorities) is necessary, since this is the second important context for Mariavite spirituality (the author refers to the publications of Sister Maria Werner and Rev. Daniel Olszewski).

Another controversial issue is the question of mysticism and messianism. The author points out that it is necessary to properly read mystical

² H. SEWERYNIAK: "Recenzja: Andrzej Kansy, *Funkcje prasy wyznaniowej. Studium na przykładzie mariawitów*, Wydawnictwo Naukowe Mazowieckiej Uczelni Publicznej w Płocku, Płock 2020, ss. 428." *Wrocławski Przegląd Teologiczny* 29/2 (2021), pp. 313—323.

texts, including those of the Mariavites. At the same time, it is important to recognize the influence of the work of Andrzej Towiański (he played a great role in shaping Kowalski's mysticism), as well as the legacy of Adam Mickiewicz, Juliusz Słowacki, Zygmunt Krasiński, and Cyprian Kamil Norwid.

Gołębiowski also denies the accusations against the Mariavites reproduced by Dwojnych and Łętocha: of collaboration with socialists, Nazis, communists, of being an orgiastic sect, and of a lack of knowledge about them among Roman Catholic bishops (which is not true, since the bishops valued the Mariavite priests). At the same time, it is wrong to equate the interests of the state and the Roman Catholic Church in Poland and to justify the the axiomatic identity of *Polak-katolik* (Polish therefore Catholic). It is also necessary in the evaluation of Mariavitism to distinguish between the existence since 1935 of two currents: the Płock and Felician, diverging on many doctrinal and practical issues.

An important aspect is also the social issue. It is unjustified to attribute to the Mariavites these issues as crucial. Social involvement was important, but it was due to the primacy of spirituality. Mariavites organized farms and taught parishioners a profession, economics. They also bought houses, but not to make money, but so that harassed faithful would have housing. Doing charity was also essential. Without these contexts, an assessment of the Mariavites' actions will be distorted.

Among other inaccuracies and errors in Dwojnych and Łętocha's work, Sławomir Gołębiowski points out the following: mental shortcuts regarding the village of Felicjanów; omission of the importance of the priests responsible for the Mariavite publications, Jan Rzysko, Stefan Góra and Piotr Maciejec; insufficient explanation of the issue of the Mariavite pogroms; accusations of sympathy for the tsar, which was to be expressed in prayer for the late Georgi Skalon, the Russian governor (when, meanwhile, prayer is the duty of Christians); the claim that Mateczka wanted close contacts with Anglicans (while she merely gave a general assessment of the possibility of bringing the Churches, including Anglicans, closer together; the authors also failed to take into account the fact that the Mariavites belonged to the Union of Utrecht during Mateczka's lifetime, and that activities crucial to ecumenism could not be carried out by any Church on its own); the allegation that the Mariavites underestimated Poland's concordat with the Vatican in 1925 (when, in fact, the Mariavites and some other communities were opposed to this international contract, especially in the context of the failure to observe the provisions, for instance, subordination of part of the Polish lands to the Diocese of Wrocław); accusations of anti-Semitism (when, meanwhile, the Mariavites defended the Jews, cooperated with them, and Archbishop Kowalski used

the assistance of the Rabbi of Płock in translating the Bible); accusations of collaboration with the communist government in Poland; claims of convergence of the views of the Mariavites and the National Democrats (when, meanwhile, the Mariavites did not seek to have power); mixing spirituality and politics, which was alien to Mariavite practice. On the other hand, among the research challenges, the author points out: a multidimensional study of the personality and activities of Archbishop Kowalski, including the trial for lewd acts; clarification of the question of the Eastern Rite in Mariavitism.

The conclusion is one: leaving aside the fact of errors, inaccuracies and abbreviations in the book by Andrzej Dwojnych and Rafał Łętocha, the author concludes that their work does not meet the requirements of an interdisciplinary work. In view of this, a theologian, historian, philosopher, lawyer and economist should “sit down together to describe Mariavitism, especially its history.”³

Finally, the fourth chapter (pp. 141—202) entitled “Trzeci Adam” [The Third Adam]. This part of Gołębiowski’s publication is a polemic with Jerzy Pietrkiewicz’s book entitled *Trzeci Adam. Opowieść o mariawitach*, published by Wydawnictwo Iskry in 2024 (the original version was published in 1975 under the original name of Pietrkiewicz, under the title *Trzeci Adam*). The author first shows the figure of Pietrkiewicz/Pietrkiewicz, which significantly affects the evaluation of his published book. However, it is crucial to show errors and inaccuracies. Among them are the following: mistakes in photographs captions, which evokes a negative assessment of the Mariavites; referring to Mariavitism as shamanism; claiming that Towiański shared metempsychosis with Kowalski (when, meanwhile, they were active in different centuries); referring to the servant brothers and sisters as workers; describing the Mariavites as characterized by wickedness (without further explanation); claiming that Mateczka was at the head of the Church; basing the assessment of Mariavitism on the statement of one anonymous former Mariavite nun; overlooking the social activities of Mateczka and the Mariavites; mocking the fact that Mateczka was a champion of spiritual life for many; claiming that Mateczka and Kowalski sustained carnal relations; misrepresenting attacks on the Mariavites; unsubstantiated claim that the Mariavites had parishes in Silesia (meanwhile, they could only have in the Russian partition); claiming that the Mariavites practiced polygamy; misinterpreting the concept of the bride of Christ, attributed to Mateczka; an erroneous assessment of Towiański’s work; an abbreviated and biased presentation of the issue of Kowalski’s abolition of celibacy; maintaining that the Mariavite movement

³ S. GOŁĘBIOWSKI: *W obronie własnej tożsamości*. Płock 2024, p. 140.

was criminal in nature; an unreliable presentation of the issue of Kowalski's trial; an erroneous enumeration of Kowalski's reforms; and considering the Mariavite liturgy to be a masquerade. The main problem is that Pietrkiewicz positioned his work as a literary fiction, but he did not mention this verbatim in the book, which misleads readers.

In the final words of the publication, the author refers to the afterword in *Trzeci Adam*, written by academic staff members of the Christian Theological Academy in Warsaw, Mirosław Michalski and Borys Przedpełski: rightly demonstrating the unfoundedness of documenting the work; wrongly attributing the use of monastic names by priests to secular authorities; wrongly calling synods chapters; claiming that Kowalski became Mateczka's successor; evaluating the chief bishops without giving its criteria.

In conclusion, Sławomir Gołębiowski's book *W obronie własnej tożsamości* is a valuable publication in the field of research on Mariavitism, but also on the religious (church) situation in the late 19th and early 20th centuries. The book's strengths are: demonstrating linguistic errors; unmasking false interpretations of the facts that occurred in history; pointing out the depth of Mariavite ideas; indicating areas for further historical, legal and theological research; providing a Mariavite perspective on past events; indicating broader horizons for the formation of Mariavite thought (Franciscanism, mysticism, Towianism, messianism). A weakness is the sometimes-casual language, characterized by a journalistic style, but this does not take away from the book's scientific value. Taking everything into account, we must boldly state that Gołębiowski's publication inspires further research and debunks an unfavourable or suspicious view of the Mariavites even today. It provokes theologians and historians to familiarize themselves with *Dzieło Wielkiego Miłosierdzia*, and perhaps even, contrary to the Vatican's assessment of Mateczka and Mariavitism to date, to a new analysis of the work, especially in the context of post-conciliar reforms in the Roman Catholic Church, but also the settling of doctrine and practice of the Old Catholic Mariavite Church. Scholarly and Christian honesty seem to demand it.

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Paulina JABŁOŃSKA:
Dziecko jako podmiot wolności religijnej
[The Child as a Subject of Religious Freedom]
Warszawa: Wydawnictwo Naukowe UKSW, 2023

The proclamation of the Universal Declaration of Human Rights in 1948 marked a watershed moment. It emphasized universal values rooted in the dignity of every human being. This catalogue of human rights applies to children, who are part of the broader category of all people and are further recognized in Article 25 as entitled to special care, assistance, and social protection. In 1959, the United Nations General Assembly proclaimed the Declaration of the Rights of the Child, which comprises ten principles outlining the scope of child protection across various aspects of life. A pivotal moment in the international arena occurred with the Polish government's submission of the draft Convention on the Rights of the Child to the United Nations in 1978. The Convention has since established itself as a universal international agreement, encompassing numerous civil, political, economic, social, and cultural rights to which children are entitled. Within both the catalogue of human rights and of children's rights exist the rights to education — covering cultural, scientific, and religious learning — and the right to freedom of thought, conscience, and religion, which includes the extent of support that parents or other legal guardians may provide in helping the child choose the best possible path for their development (Articles 14 and 29).

Paulina Jabłońska's monograph, *Dziecko jako podmiot wolności religijnej* (The Child as a Subject of Religious Freedom), with a subtitle: *Nauczanie religii w polskiej szkole publicznej a wolność sumienia i wyznania*

osoby małoletniej w świetle prawa świeckiego i kanonicznego (Teaching Religion in a Polish Public School and the Freedom of Conscience and Religion of a Minor in the Light of Secular and Canon Law) is, as announced in the introduction of the monograph, a dogmatic-legal analysis covering the legislative status as of 2023. The topic undertaken is another study by Jabłońska exploring the issue she is an expert in, namely the right to religious freedom. In the reviewed publication, the emphasis is on discussing the right of minors to freedom of conscience and religion, as well as issues related to the teaching of religion in Polish public schools.

Reading the monograph in question shows that the analysis conducted therein is comprehensive and up-to-date. In her introduction, the author noted that “observation of the political and social events taking place in Europe provokes the claim that the issue of religious instruction and freedom of conscience and religion of minors is becoming increasingly important” (p. 16). Introducing the topic, the author shows the historical background of the introduction of religious lessons to Polish schools and statistics on the participation of children and adolescents in them. Noting the impact of globalization and secularization, she describes the current, albeit limited, media trend of discouraging attendance at religious classes in Polish public schools, which seems to be a repetition of government-driven actions that already took place during the communist era.

The main section of the publication focuses on analyzing the legal regulations related to the issues outlined in the title, discussed from both canon law and Polish civil law perspectives. The approximation and clarification of the provisions of the 1997 Constitution of the Republic of Poland, the 1993 Concordat between the Holy See and the Republic of Poland, the Law on the Educational System, the Code of Canon Law, the Catechetical Directory, as well as rulings by the Constitutional Tribunal and others, were undertaken just prior to the surge of public interest topic, which has arisen due to recent announcements regarding changes in the number of hours and the scheduling of religious instruction in Polish schools.

In the context of the discussed topic, it is extremely important to explain in detail the terms used, such as religion, creed, conscience and freedom of conscience and religion, among others, as well as child, minor, juvenile and others, which terms as used in different legal orders are not always consistent in meaning. In this context, the clear definition of terminology strengthens the debate on the rights of the child to freedom of conscience, religion, and religious instruction.

The study provides answers and legal justification for many topical themes and questions that recur again and again in history: should there be religious lessons in school at all, should the state pay catechists for their

work, should a grade in religion be written on a school certificate, should a cross be displayed on walls in public school classrooms, is knowledge or faith evaluated, and does participation in religious lessons violate the right to secrecy about one's views and religion?

The etymology of the words: religion, denomination, freedom of religion, freedom of conscience and religion, conscience and freedom of conscience; the analysis of the legal facts and specific case studies and court judgments make it possible to assess the study as comprehensive. The objective of the work set and achieved, as well as the tools used to achieve it, raise no doubts. The monograph is up to the standards of the field, which is confirmed by proper references to the up-to-date literature on the subject in both, the book's footnotes and bibliography. The sources listed in the book are selected adequately, and the sources of law, which form the basis of the analysis, are duly underscored. and the literature on the subject, consisting of commentaries and studies, only supplement it. The presentation of currently enforceable legal norms is clear, and the historical context provided allows a broader view of the current problem. Conclusions are clearly and lucidly placed at the end of each chapter and in the conclusion of the monograph. The monograph is written in communicative style clearly designed for a wider audience.

A gentle remark can be made about the book's organization, where at the beginning the historical description of the issues is interspersed with the etymology of words and explanation of concepts, which could have been a stand-alone chapter. This suggestion of slight change by no means undermines the value of the work. If implemented, it would simply improve its readability at the outset.

Bearing in mind the currently ongoing debate on the teaching of religion in Polish public schools, the described monograph is worth recommending. It helps familiarize readers with current legislation and its sources, avoiding non-substantive arguments related to the welfare of the child and their fundamental rights.

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