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SPECIAL OBLIGATIONS AND TASKS OF THE SPOUSES IN RELATION TO EACH OTHER IN THE PERSPECTIVE OF THE CHURCH AND THE NATION

The proposed topic: *Special Obligations and Tasks of the Spouses in Relation to Each Other in the Perspective of the Church and the Nation*, although its content does not fall within the strict canon of marriage, taking into account the strict criteria and requirements of the legislator, is of particular interest and attention: above all because of the special relationships that arise at the time of marriage, both with regard to the Church and to the nation. In other words, a legally concluded marriage, creating between spouses and the Church, nation and state, as defined by law, rights and obligations, also determines a wide range of other relations: in the sphere of moral and ethical demands awaiting the legalization act of the legislator. The Second Vatican Council also spoke on this issue, stating that: “Hence by that human act where by spouses mutually bestow and accept each other a relationship arises which by divine will and in the eyes of society too is a lasting one”.¹

However, it is significant – as J. Krukowski aptly stated – that “the Second Vatican Council did not address the issue of recognition of religious marriages by state authorities” [Krukowski 1995, 175], explaining that the implementation of such recognition by the state of religious marriages, which would include recognition of the civil effects of any religious marriage, would in practice encounter serious difficulties. Such

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¹ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio Pastoralis de Ecclesia in mundo huius temporis *Gaudium et spes* (7.12.1965), AAS 58 (1966), p. 1025-116 [henceforth cited as: GS], no. 48.

recognition is possible only in respect of such religious marriages that have been celebrated in Churches with their own particular marriage law, including their own form of marriage [ibid.].

The aspect of the relationship that marriage in general, in relation to other societies and especially to the Church and the nation, has been expressed and highlighted by the Council and has resulted in numerous studies and research: especially in the statements of the Church's Magisterium,² at the synods of bishops devoted to the issue of marriage, in the apostolic exhortations, especially the exhortation *Familiaris consortio* of John Paul II, the exhortation *Sacramentum caritatis* of Benedict XVI and the exhortation *Amoris laetitia* of Francis.

1. Marriage status in relation to the Church, nation and state

Among the doctrinal statements on marriage and family made by the Second Vatican Council, some of them refer directly, others indirectly to the subjects of authority to which they are under, both in the area of legal regulations and in the sphere of practical references and actions.

A statement of fundamental importance for the issues we are interested in, containing the characteristics of a constitutive record for the institution of marriage, can be found in the Decree on the Apostolate of the Laity: "Since the Creator of all things has established conjugal society as the beginning and basis of human society and, by His grace, has made it a great mystery in Christ and the Church (cf. Eph. 5:32), the apostolate of married persons and families is of unique importance for the Church and civil society".³ Such a statement does not need to be justified, not least because, generally speaking, it is reflected in the consciousness of people of all times and is clearly confirmed by the experience of past and present

² Cf. *Enchiridion della Famiglia – Documenti magisteriali e pastorali su famiglia e vita 1965-2004*, ed. Pontificio Consiglio per la Famiglia, EDB, Bologna 2004; *Posoborowe dokumenty Kościoła Katolickiego o małżeństwie i rodzinie* (Rights to translation of documents no. 32, 35, 38 are owned by the Institute of Family Studies ATK), vol. I-II, Wydawnictwo "M", Kraków 1999.

³ Sacrosanctum Concilium Oecumenicum Vaticanum II, *Decretum de apostolatu laicorum Apostolicam actuositatem* (18.11.1965), AAS 58 (1966), p. 837-64 [henceforth cited as: AA], no 11.

generations. John Paul II, in his apostolic exhortation *Familiaris consortio*, explained this truth in greater depth, stating that “the family is «the first and vital cell of society».”⁴ This idea was also at the root of the *Charter of the Rights of the Family*,⁵ which was addressed to various circles and authorities, especially governments (CRF, Introduction). “Of course – as has been stressed – the «Charter» is also addressed to families themselves” (ibid.).

1.1. Spouses’ awareness of the role of the Church, nation and state in relation to marriage and family

Referring to the above statements, it should be noted and emphasized that the Church from the beginning of its existence, in accordance with its mission,⁶ has continuously performed its special mission towards marriage and the family; also the state, as a political community (GS 74),⁷ in its own right and in its own way and within its competences, fulfills the tasks specified by law for citizens, among them mainly in relation to marriage and the family (GS 52). In this context, it is worth quoting the opinion of one of the eminent experts on the subject, J. Winiarz, who in his book entitled *Prawo rodzinne* (the publication has 9 editions) states that the legal

⁴ Ioannes Paulus PP. II, Adhortatio apostolica de Familiae Christianae muneribus in mundo huius temporis *Familiaris consortio* (22.11.1981), AAS 74 (1982), p. 81-191 [henceforth cited as: FC], no. 42; cf. AA 11; Ioannes Paulus PP. II, Litterae Familiis ipso volvente Sacro Familiae anno MCMXCIV *Gratisissimam sane* (2.02.1994), AAS 86 (1994), p. 868-925, no. 12. To the question: “What does the family as an institution expect from society?” John Paul II answers directly: “First of all, it expects a recognition of its identity and an acceptance of its status as a subject in society” (ibid., no. 17).

⁵ *Carta dei Diritti della Famiglia presentata dalla Sante Sede a tutte le persone, istituzioni ed autorità interessate alla missione della famiglia nel mondo di oggi* (22.10.1983), “Communicationes” 15 (1983), no. 2, p. 140-52 [henceforth cited as: CRF]. Presentazione: “La carta si compone di una introduzione, un Preambolo e 12 Articoli. La data ufficiale è quella della presentazione ai giornalisti il 24.11.1983.”

⁶ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio dogmatica de Ecclesia *Lumen gentium* (21.11.1964), AAS 57 (1965), p. 5-75, no. 11 [henceforth cited as: LG]; AA 11.

⁷ J. Krukowski, referring to the teaching of the Second Vatican Council, explains the concept of autonomy of the political community, under which and through which “[...] men, families and associations more adequately and readily may attain their own perfection” (GS 74) [Krukowski 2013, 154-55].

regulation of marital and family relations on the part of the state, indeed refers to their external side: the procedure for the creation of a marriage and the legal consequences associated with this act (e.g. property issues and appropriate legal protection, etc.). However, as he further notes, the modern legislator also refers to the sphere of marital rights and obligations of a personal nature and to parental authority [Winiarz 1996, 14]. Recent research has brought about significant progress in this field, which has been met with interest among researchers with an appropriate resonance in scientific publications [ibid.; Krukowski 2013; Smyczyński 1990; Borutka, Kornecki, and Kroczek 2017]. “This is indicated by the results of research conducted by sociologists, which is confirmed, among other things, by the Preambles to the family codes of some countries and the preliminary provisions contained in those codes” [Winiarz 1996, 41]. Undoubtedly, this type of mentality change in many contemporary legislators regarding the institution of marriage (guided by scientific premises) paved the way for the conclusion of numerous concordats [Krukowski 1995].

1.2. Consequences of spouses assuming specific obligations and matrimonial tasks

Undertaking important moral and legal obligations in the act of marriage: mainly to create a real community of life and the birth and education of offspring (can. 1055),⁸ the contracting parties in principle should, or rather cannot, overlook and underestimate the fact of entering into the family of families, which is the nation and the Church (GS 47). Furthermore, they should, as spouses and then as parents, acquire a sense of responsibility towards both communities (AA 11; FC 42).⁹ In this context, it should be noted that out of the twelve articles of the *Charter on the Rights of the Family*, defining family rights, Art. 8 contains a specific message – the right, which reads: “The family has the right to exercise its social and political function in the construction of society.” If the family

⁸ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [henceforth cited as: CIC/83].

⁹ Cf. Franciscus PP., *Adhortatio apostolica post-synodalis Amoris laetitia de Amore in Familia* (19.03.2016), AAS 108 (2016), p. 311-446 [henceforth cited as: AL], no. 69.

has such a right, it also has certain obligations, which are referred to in numerous statements of the Church's Magisterium.

2. The importance of preparing candidates for marriage

The need to learn about one's personal vocation has always been considered one of life's essential duties, which basically depends not only on the development of individuals in the family, but also in the community. The importance of this matter is also indicated by the need to engage the relevant institutions: families, competent persons and institutions (GS 52; LG 11; FC 66; AL 205-16). The question therefore arises: do the Church and the state adequately respond to this demand in the current state of affairs?

2.1. The role and importance of preparing candidates for marriage and family life

It is only right that both communities should be expected to do so: The Church and the state, proper and appropriate in this area of activity. The more so, because both, being at the highest level in the hierarchy of communities, deserve to be called communities (GS 74-76; AA 11) [Krukowski 2013, 165-67], and thus are obliged to take the utmost care of the fate of individuals and families, especially within the particular Church and within the borders of the state.

Thus, the family, which received at the Second Vatican Council this honorable and binding name of the *Domestic Church* (LG 11; AA 11), thus gained a privileged position among other communities (LG 44),¹⁰ and thus entered into special obligations towards itself and towards the Church and the nation.

Developing the Council's message (GS 48-52; LG 11); the teaching and position of John Paul II in the *Familiaris Consortio* (no. 66); the principles

¹⁰ Although the Council's teaching does not specify that the Church is a 'community of communities', as is the case with the definition of the parish in relation to the particular Church (can. 515 § 1), the definition of the *particular Church* as a portion (*portio populi Dei*) of the universal Church authorizes the conclusion that *the universal Church* is a 'community of communities'; in particular, the family – a 'domestic Church' [Co-recco 1990, 186-88].

and norms of the CIC/83 (can. 1063) and the proposals and suggestions of the Third Extraordinary General Assembly of the Synod of Bishops,¹¹ Pope Francis devoted much attention to preparing engaged couples for marriage (AL 205-11). The title itself (peculiar in its meaning) in relation to the issues raised: “Preparing engaged couples for marriage” (ibid., 205) should, as the Pope trusts, take into account the traditional set of issues, which has been widely discussed so far: “to help young people discover the dignity and beauty of marriage” (ibid.). “They should be helped to perceive the attraction of a complete union that elevates and perfects *the social dimension of existence* [underline – J.K.]” (ibid.). Then, as he further emphasized: “The complexity of today’s society and the challenges faced by the family require a greater effort on the part of the whole Christian community in preparing those who are about to be married” (ibid., 206).¹²

These reflections and observations, by Pope Francis, ended with important motives and statements: “The clear teaching of the Second Vatican Council still holds: «[The couple] will make decisions by common counsel and effort. Let them thought fully take into account both their own welfare and that of their children, those already born and those which the future may bring. For this accounting they need to reckon with both the material and the spiritual conditions of the times as well as of their state in life. Finally, they should consult the interests of the family group, *of temporal society and of the Church herself*» [underline – J.K.]” (AL 222, 86).

Summarizing the above reflections and comments of the Pope regarding the preparation of young people for marriage, which indeed refer, as men-

¹¹ Sinodo dei Vescovi, III Assemblea Generale Straordinaria, Relatio synodi *Le sfide pastorali sulla famiglia nel contesto dell’evangelizzazione* (18.10.2014), Città del Vaticano 2014; XIV Zwyczajne Zgromadzenie Ogólne Synodu Biskupów, *Relacja końcowa Synodu Biskupów dla Ojca Świętego Franciszka* (24.10.2015), in: XIV Zgromadzenie Zwyczajne Synodu Biskupów. *Powołanie i misja rodziny w Kościele i świecie współczesnym. Dokumenty i komentarz*, ed. K. Lubowicki, transl. S. Tasiemski, Wydawnictwo „M”, Kraków 2016, p. 11-119.

¹² XIV Zwyczajne Zgromadzenie Ogólne Synodu Biskupów, *Relacja końcowa Synodu Biskupów dla Ojca Świętego Franciszka*, no. 10. Undoubtedly, when Pope Francis said this, he meant can. 1063 CIC/83, which obliges the pastors of souls to ensure “that their own Church community provides for Christ’s faithful the assistance by which the married state is preserved in its Christian character and develops in perfection.”

tioned above, to the traditional principles of formation, attention should also be paid to new accents which he raises and recommends, which express the urgent need to take into account more broadly the overall vision of the family community; moreover, he requests for the broader perspective to emphasize the perspective of the common good: “both for the Church and for society as a whole” (AL 88). Naturally, the point is also – although it has not been clearly expressed – that these postulates should also be clearly reflected in the consciousness of those preparing for marriage (which is so clearly dictated by the legislator in can. 1063 CIC/83).

2.2. The consequences of the reception of mutual moral and legal obligations of marriage candidates

It is important in the process of formation for marriage to make the candidates aware of the importance of their mutual obligations towards the nation and the Church. Their deepest motivation must be to acquire a sense of the basic principles of justice, which requires the repayment of a kind of debt towards parents, family, but also the Church and the nation of which they are an inseparable and integral part. The Council broadly illustrated this issue (GS 52) and developed and explained it in Chapter III: “Participating in the development of society” of the *Familiaris Consortio* John Paul II (no. 42-44) and in the apostolic exhortation *Sacramentum caritatis* Benedict XVI.¹³

Referring to the above issues, Pope Francis stated: “Quality is more important than quantity, and priority should be given – along with a renewed proclamation of the kerygma – to an attractive and helpful presentation of information that can help couples to live the rest of their lives together «with great courage and generosity»” (AL 207) [Sosnowski 2017, 85-123]. In this way, Pope Francis emphasized the close relationship between the process of preparation for marriage. Then, between the marriage and the family who should implement the accepted principles and obligations – in chapter IX of the exhortation, entitled “The spirituality of marriage and the family,” referring to the post-synodal apostolic exhort-

¹³ Benedictus PP. XVI, Adhortatio apostolica postsynodalis de Eucharistia vitae missionisque Ecclesiae fonte et culmine *Sacramentum caritatis* (22.02.2007), AAS 99 (2007), p. 105-80, no. 29.

tation *Christifideles laici*,¹⁴ stated: “Since «the human person has an inherent social dimension», and «the first and basic expression of that social dimension of the person is the married couple and the family», spirituality becomes incarnate in the communion of the family” (AL 316).

3. Cooperation of the Church and the state in the matter of fulfilling the spouses’ obligations for the good of the Church and the nation

In the context of the issues raised, it is necessary to emphasise the particular need – in many cases the need for cooperation and collaboration between the Church and the state in order to implement the obligations assumed in the marriage by the spouses.

While enjoying due freedom in the choice of the spouse, as well as freedom in their common life and in the fulfilment of their matrimonial purposes, they need adequate support and care, both from the Church and from the state, especially in the implementation of tasks that go beyond their spiritual and physical capabilities. In this case, it is also worth recalling the subsidiarity principle, which must be properly applied here. There is cooperation and collaboration between the Church and the state, especially in the field of education and formation, especially in relation to young people preparing for marriage.

When addressing the issue of marriage and the family, he devoted much attention to the Second Vatican Council in *Gaudium et spes*, under the significant title “Common solicitude for marriage and the family,” pointing to marriage as the “foundation of society” (GS 52; FC 42-46). In demanding for help and care from various environments, the Council also made an urgent appeal to public authorities. “Public authority should regard it as a sacred duty [that is: morally binding duty – J.K] to recognize, protect and promote their authentic nature, to shield public morality and to favor the prosperity of home life” [Krukowski 2013, 165-70]. And although the domain – the priority in the state’s activity is concern for material goods, it

¹⁴ Ioannes Paulus PP. II, Adhortatio apostolica post-synodalis de vocatione et missione Laicorum in Ecclesia et in mundo *Christifideles laici* (30.12.1988), AAS 81 (1989), p. 393-521.

cannot ignore the system of moral and spiritual values, without risking failure in its typical socio-political and even economic activity.¹⁵ The ultimate goal is for there to be and then for the harmonious cooperation to be developed between the Church and the state, wherever the individual and social well-being of each member of the nation and of the Church is at stake, especially within the smallest society, that is, the family.

Remarkable and disturbing are the remarks and reflexions of Pope Francis, who, referring directly to the observation of the Synod Fathers, in Chapter II *Amoris laetitia*, entitled “The experiences and challenges of families,” wrote: “[...] one symptom of the great poverty of contemporary culture is loneliness, arising from the absence of God in a person’s life and the fragility of relationships. There is also a general feeling of powerlessness in the face of socio-cultural realities that oftentimes end up crushing families [...]. The negative impact on the social order is clear, as seen in the demographic crisis, in the difficulty of raising children” (AL 43).

The Pope ended this very complex and disturbing set of problems with a resolute, urgent appeal addressed to modern countries. “The State has – he emphasized – the responsibility to pass laws and create work to ensure the future of young people and help them realize their plan of forming a family” (ibid.). In such an appeal, the Pope’s explicit proposal to public authorities can be read to establish closer cooperation for the promotion of the family who awaits such unanimous help.

In this connection, one should wish that such recommendations and postulates of the Synod and the Pope – head of the Church, should be reflected in the programs of preparing young people for marriage.

Conclusion

Pope Francis, first confirming the recognition of the requirements for the adoption of legally defined rights and obligations by spouses, wishes to make them aware of the importance and significant of their obligations in

¹⁵ Międzynarodowa Komisja Teologiczna, *W poszukiwaniu etyki uniwersalnej: nowe spojrzenie na prawo naturalne* (transl. R. Kiełtyka), Wydawnictwo Naukowe UPJPII, Kraków 2010, p. 96; Orzeszyna 2011, 191.

relation to the Church and the nation. He refers to the fundamental and highest reason for the existence and operation of marriage and the family, which is, as he says: “Social love, as a reflection of the Trinity, is what truly unifies the spiritual meaning of the family and its mission to others, for it makes present the kerygma in all its communal imperatives” (ibid., 324).

In a kind of recapitulation of his contemporary vision of marriage and the family (in its splendors and shadows), their calling, mission and message, Pope Francis wrote briefly and prophetically: “The family lives its spirituality precisely by being at one and the same time a domestic church and a vital cell for transforming the world” (ibid.).

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Special Obligations and Tasks of the Spouses in Relation to Each Other in the Perspective of the Church and the Nation

Summary

Taking up the above subject, the author attempted to show that the future spouses, accepting a number of legal and moral obligations on themselves and toward each other, should be aware of their obligations also toward the Church and the nation. This requirement, even if it is not expressed normatively, it results from the fact that both marriage and family constitute the smallest but fundamental cell

of the Church and the nation, in which they are born and essentially contribute to their growth and development. So there is – we can say – a genetic and existential bond between them, which creates mutual rights and obligations.

Key words: marital institution, marital community, family community, obligations toward the Church, obligations toward the state

Szczególne zobowiązania i zadania małżonków względem siebie w perspektywie Kościoła i Narodu

Streszczenie

Podjmując rozwinięcie powyższego tematu, autor podjął próbę wykazania tego, iż nupturienci – przyszli małżonkowie, przyjmując na siebie i względem siebie szereg zobowiązań prawno-moralnych, winni być również świadomi swoich zobowiązań wobec Kościoła i narodu. Wymóg ten bowiem, nawet jeśli nie jest wyrażony normatywnie, to przecież wynika z faktu, że zarówno małżeństwo, jak i rodzina, stanowią najmniejszą, lecz fundamentalną komórkę Kościoła i narodu, w których rodzą się i zasadniczo przyczyniają się do ich wzrostu i rozwoju. Tak więc istnieje – rzecz można – genetyczna i egzystencjalna więź między nimi, co rodzi wzajemne prawa i zobowiązania.

Słowa kluczowe: instytucja małżeńska, wspólnota małżeńska, wspólnota rodzinna, zobowiązania wobec Kościoła, zobowiązania wobec państwa

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