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"W orbicie zasady
>>odpowiedzialnego rodzicielstwa<<.
Adekwatne zrozumienie pojęcia
bonum prolis wyzwaniem dla
współczesnej kanonistyki", Ed.
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[recenzja]

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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

*W orbicie zasady „odpowiedzialnego rodzicielstwa”.
Adekwatne zrozumienie pojęcia bonum prolis
wyzwaniem dla współczesnej kanonistyki*
(Within the Orbit of the “Responsible Parenthood”
Principle. Appropriate Understanding of *bonum prolis*
as a Challenge for Contemporary Canonistics)
Ed. Andrzej Pastwa.
Katowice 2014, 133 pp.

Marriage under Catholic doctrine is viewed as a gift of the Creator who has defined its basic features (unity and inseparability). The personal dimension of marriage allows to develop a deep and intimate relationship between a man and a woman (*totius vitae consortium*), the nature of which is the focus on the benefit of the spouses, on the conception and education of children. The fruit of the marriage should be responsible procreation (*procreatio responsabilis*) as the way for spouses to participate in God’s creative act. The topic (*bonum prolis* as responsible parenthood) is dealt with in a monograph edited by Andrzej Pastwa, a professor at the University of Silesia in Katowice. Eight authors, both canonists and theologians, contributed to the publication, in which they deal with the concept of *bonum prolis* from theoretical and practical point of view (some of the authors are members of ecclesiastical tribunals handling the discussed issue in its negative dimension, that is, the exclusion thereof).

The principle of the good of descendants is included in the first contribution by Wojciech Góralski entitled “Istotna treść pojęcia *bonum prolis*” (The Fundamental Substance of *bonum prolis*). The author briefly sums up the canonical tradition and describes various aspects of the pro-

creative goals of matrimony in a positive manner. The core of what is required, so that marital consent actually creates the marriage bond (*vinculum matrimoniale*), is in this context *intentio prolis*. The author draws the objective principles of marriage from the Scriptures, particularly from the fragments concerning the creation of humanity as male and female (Genesis 1: 27–28; Genesis 2: 18) and the excerpts from the 7th chapter of the First Epistle of Saint Paul, Corinthians (p. 19). The author emphasizes that the essence of marriage has not changed even in current canonistics. The new Code of Canon Law dated 1983 only expresses it in a more superior way than CIC 1917, the essence being the situation when the goals of marriage are not favourable to one another. Procreation is an element that characterizes the marital relationship and distinguishes it from other interpersonal relationships. The theoretical considerations are based on the jurisprudence of the Roman Rota (p. 21). The individual features of the will of spouses, which are contained in the intention to adopt offspring, and actions that oppose this plan, are examined gradually here. Wojciech Góralski (following H. Franceschi) characterizes *bonum prolis* as being not static because it is firstly about openness to conceiving a child and consequently the further educational steps of the spouses-parents, which change with the children growing up. Within the context of the expression of marital consent, it identifies the good of the descendants with mutual transfer and adoption of the procreative dimension of masculinity and femininity themselves, and thus, the acceptance of fatherhood and motherhood between the spouses (p. 29).

The author of the second contribution, Henryk Stawniak, examines the topic “Prawo do potomstwa? Godna prokreacja a zapłodzenie *in vitro*” (The Rights of Parents to Conceive Offspring? Natural Procreation as Opposed to In Vitro Fertilization). He attempts to sum up the rights and responsibilities of spouses in relation to their descendants in the light of the alleged rights to offspring at any cost. He points out that absolutism and the removal of the context in the case of one right (to offspring) is in the case of in vitro fertilization a violation of other rights: the right to intimate cohabitation, personal commitment and acceptance of a marriage partner (p. 36). The work highlights the difference between co-operation of parents in the creative work of God and His representation. From this perspective, the marital agreement does not include offspring as such, but potentiality, possible motherhood and fatherhood (*proles in suis principiis*) (p. 37). Not only the right of parents to offspring, but also children’s right to a dignified procreation includes additional aspects and rights. This is the right to conception and birth in matrimony based on the nature of men and women by the act *humano modo*, a way of mutual

self-giving of the spouses (p. 39). In this context, in vitro fertilization, that is, the separation of the act of love from the possibility of conception, is understood as the opposite of the gift of procreation.

The third author is the editor of the entire monograph, Andrzej Pastwa. In his paper “Niezdolność do wypełnienia zadań rodzicielskich i wychowawczych” (Incapability of Fulfilling Parental and Educational Obligations) following the thesis that the upbringing of offspring is based on the provisions of the code as part of the essence of marriage (*substantia matrimonio*) and an essential element of marriage, as well as in the case of its absence, it is also a specific reason for annulment of marriage (cf. can. 1055 Section (§) 1, 1101 Section (§) 2, 1095 n. 3). It refers to specific mental anomalies which may affect the willingness of one of the spouses in such an extent that they can be the cause of annulment of marriage on the grounds of an inability to carry out the tasks of parenthood and upbringing (p. 55). It is based on the statements of the Roman Rota, which mentions expressly: incest, transsexuality and transvestism, homosexuality and other sexual anomalies; alcoholism, drug abuse, anorexia and bulimia, personality disorders, HIV/AIDS, religious deviance associated with membership in a satanic sect. It also analyses their negative impact on matrimony and family.

The study by Leszek Adamowicz of the John Paul II Catholic University of Lublin is focused on “*Bonum prolis* w małżeństwach mieszanych” (*Bonum prolis* in Mixed Marriages), the marriage of people with different religious affiliations, analysed in light of the Instructions of the Polish Bishops’ Conference on Premarital Preparation dated 1989 (p. 73). The author sums up the Church doctrine on the obligation of parents to educate their children also in the religious dimension, which can be problematic in the case of mixed marriages. The author also presents the project of the Declaration of the Catholic Church and the Polish Ecumenical Council, which is attempting to develop a common position on the part of churches regarding Christian marriage (p. 76). In the last part of his contribution, he highlights the potential threat to the good of the descendants of mixed marriages (particularly, the overall lack of religious education) and using the example of the Swiss *Recommendations for a Pastoral Conversation with Potential Spouses in Relation to the Baptism and Religious Education of Children* he shows which direction the premarital preparation could take in Poland (p. 79).

Subsequent reflections by Tomasz Rozkrut on “Dowodzenie wykluczenia *bonum prolis*” (Proving of Exclusion *bonum prolis*) constitute analyses concerning judicial interpretation and the application of selected jurisprudence of the Roman Rota tribunal (p. 87). The said jurisprudence is the model resolution for the Church lower courts (p. 92). For this reason, the

author discusses the specific statements using the topic of the good of the descendants from 2003, bringing it closer to Polish readers.

Another author, Piotr Majer, in his paper “Wykluczenie, nadużycie i niekorzystanie z prawa do aktów otwartych na zrodzenie potomstwa” (Exclusion, Misuse and Non-Use of the Right to Sexual Acts Open to Procreation) answers the questions related to exclusion, overuse or failure to use rights to the birth of offspring (contraception, natural methods). He seeks the answer to the question as to whether and to what extent are the morally permissible methods of family planning consistent with the integrity of marital consent in the dimension of openness to the birth and upbringing of descendants. He also asks whether and to what extent such marriages in which the spouses due to religious motives, temporarily or permanently, exclude sexual cohabitation are consistent with this objective.

Professor at the University of Warmia and Mazury in Olsztyn, Lucjan Świto, in his contribution “Czasowe wykluczenie potomstwa a wykluczenie dobra potomstwa” (Temporary Exclusion of Offspring and Exclusion of the Offspring’s Well-Being) describes situations when couples do not intend to exclude the good of the descendants entirely but want to postpone it for a certain time or until the fulfilment of certain conditions (achieving a certain material level, completing their studies, finding a better job, etc.) for accepting children in their marriage. He seeks an answer to the question: In which cases the temporary exclusion of offspring affects the validity of marital consent, and in which it does not?

The monograph concludes with a treatise by a scholar from the Pontifical University of John Paul II in Cracow, Aleksandra Brzemia-Bonarek, analysing and summarizing the issue of “*Bonum prolis* w wyrokach coram Sobański” (*Bonum prolis* in the Sentences *coram* Sobański) handed down at the Metropolitan Court in Katowice in the 1990s. She introduces to the reader the thinking and reasoning of a prominent Polish canonist Remigiusz Sobański, who worked, inter alia, for over 50 years as an ecclesiastical judge.

If we want to evaluate the submitted monograph, we must conclude that it presented many opinions and perspectives (in both positive and negative dimensions) from the standpoint of which canonistics approaches the concept of the good of the descendants. This broadly conceived issue is anchored in both the doctrine of the Church magisterium of *bonum prolis* and in the jurisprudence of the Roman Rota and lower courts. The purpose of this good of the descendants as the goal of marriage is not merely understood as biological reproduction. The authors approach the problem using the prism of the personalist concept of marriage, which

anchors it deeper. Responsible parenthood involved in the creative work of God should include the good of all parties concerned: both the mutual good of the spouses and the good of the child. Thanks to its multi-layered character, the publication may contribute to the formation of both workers at ecclesiastical courts and the general public understanding of the good of the descendants in the Catholic Church.

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