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Pastoral Vision of the Rights of the Family in the Catholic Church

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Pastoral Vision of the Rights of the Family in the Catholic Church

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The Catholic Church, thanks to her long experience, offers a clear vision of marriage and family. Based on it, I will try to present the pastoral vision of the rights of the family in the Catholic Church: first, very shortly, its doctrinal basis; then, the canonical norms constituting the foundation for pastoral care; finally, the concrete means of care existing in the Czech Republic.

1. Doctrinal basis of the pastoral vision

1.1. Historical overview

The topic of family and marriage was very important during the entire history of the Catholic Church, it has been frequently and seriously reflected on, and therefore, there are numerous official Church documents, both on the universal level and on the particular level.¹ Over the

¹ Many documents are collected in the edition *Enchiridion Familiae. Magisterio pontificio y conciliar sobre el matrimonio y la familia*, which is available online on the web-

last decades there have been several important Church documents regarding family which explain not only the doctrinal basis of the marriage and the family, but also general pastoral guidelines.

1.2. The Second Vatican Council

First of all, it is necessary to evoke the immense importance of the Second Vatican Council and of its Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, promulgated on the 7 December 1965, the first constitution of an ecumenical council dedicated to the pastoral questions. The second part of the document entitled “Some Problems of Special Urgency” as well as the entire second chapter named “Fostering the Nobility of Marriage and the Family”, are dedicated to the topic of matrimony.

1.3. Post-conciliar documents

1.3.1. *Familiaris consortio* (1981)

The most important post-conciliar document for the pastoral care of family is the apostolic exhortation *Familiaris consortio* by the pope John Paul II on the role of the Christian family in the modern world from the 22 of November 1981, which represents fruits of the synod of bishops held on 26—28 October 1980 in Rome.

This document presents a very rich vision of marriage and family in a really concise way. Part One “Bright Spots and Shadows for the Family Today” brings an analysis of the contemporary situation of marriage and family in the light of the Gospel, Part Two “The Plan of God for Marriage and the Family” presents theological reflection on family, the most

page: <http://www.enchiridionfamiliae.com/>. It is possible to find there more than 2,000 documents divided into different categories and sufficiently supplemented with cross-references between documents and by indices of councils, popes, authors, places, topics, editions and editors. Only a part of the documents is dedicated especially to the topic of matrimony — such special documents were published mostly in the 20th century.

lengthy Part Three “The Role of the Christian Family” treats the function of marriage and family in the Church and in the society, and the final Part Four “Pastoral Care of the Family: Stages, Structures, Agents and Situations” deals with the practical questions of the service of the Church for the good of families and their members, but also for persons living out of marriage and family.

1.3.2. Subsequent documents

The exhortation *Familiaris consortio* has been followed by several important documents of the Pontifical Council for the Family:

Charter of the Rights of the Family from the 22 October 1983 — expression of the concept of marriage in the juridical language (the 30th anniversary of this document gave stimulus for the 2nd International Conference on Ecumenism and Law held on 18—19 April 2013 in Brenna).

Preparation for the Sacrament of Marriage from the 13 May 1996 — detailed plan for preparation including a description of the role of different persons who take part in it.

Vademecum for confessors concerning some aspects of the morality of conjugal life from the 12 February 1997 — special documents for confessors offering guidelines, that is practical moral and pastoral indications and instructions.

The Family and Human Rights from the 9 December 1999 — a detailed essay on marriage and family (especially from the point of view of the social doctrine of the Church) on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, which was adopted by the UN General Assembly on the 10 December 1948.

Family, Marriage and “De facto Unions” from the 21 November 2000 — a profound reflection on the “de facto unions” analysing their causes, comparing them with matrimony and offering concrete pastoral means.

Family and Human Procreation from the 13 May 2006 — vast reflection on the vocation of human to transmission of life within his/her natural sexuality with its various aspects, moral and social consequences.

It is important to add that the mentioned documents create the doctrinal and pastoral basis for the whole Catholic Church, that is for all its *Ecclesiae sui iuris*, not always going under the name of “rites.”

2. Canonical norms giving pastoral guidelines

2.1. Strong pastoral orientation of the new codes of canon law

In contrast to the previous Code of Canon Law from 1917, there are many pastoral mentions and guidelines in the present Code of Canon Law (further CIC) from 1983 in can. 1063—1072 and in the respective code for the Eastern Catholic Churches, the Code of Canons of Eastern Churches (further CCEO) in can. 783—789. This difference has been emphasised very clearly in the Apostolic Constitution *Sacrae disciplinae leges* introducing the Code of 1983:

From this there are derived certain fundamental criteria which should govern the entire new Code, both in the sphere of its specific matter and also in the language connected with it. It could indeed be said that from this there is derived that character of complementarity which the Code presents in relation to the teaching of the Second Vatican Council, with particular reference to the two constitutions, the Dogmatic Constitution “Lumen gentium” and the Pastoral Constitution “Gaudium et spes”. [...]

After all these considerations it is to be hoped that the new canonical legislation will prove to be an efficacious means in order that the Church may progress in conformity with the spirit of the Second Vatican Council, and may every day be ever more suited to carry out its office of salvation in this world.

We can express it otherwise: the Codes are strongly pastorally oriented, more than the previous canon legislation.

2.2. Principles of pastoral care on families in the new codes

Canons 1063 and 1064 of CIC, and similarly can. 783 of CCEO repeat very shortly the rules for pastoral care of marriages and families given in *Familiaris consortio* nos. 65—75: preparation for marriage, joyous celebration of weddings and continuous help for couples. It also emphasises the role of Christian community, especially of the spiritual pastors, namely of local ordinaries. On the other hand, it acknowledges the limitations of

spiritual pastors. Therefore, it includes the very important duty for ordinaries (and consequently for parish priests): to use the contribution of experts, that is of lay persons.

2.3. Stress on the significance of parent in the education

With the regard to family, the Codes emphasize the role of parents in the education of children. Canons 793 and 1136 of CIC and can. 627 of CCEO express clearly the primary right and duty of parents to determine the education of their children. This indispensable role of parents has to be acknowledged and supported both by the civil society and by the Church and its institutions. Unlike general concepts, emphasising the role of the State, can. 796 presents schools as a means of principle assistance to parents in fulfilling the function of education; therefore can. 797 guarantees to parents the right of free choice of schools and can. 798 binds parents to entrust their children to those schools which provide a Catholic education.

2.4. Special pastoral care

On the other hand, the Codes offer rules for special pastoral care only exceptionally: generally in CIC in can. 383 for diocesan bishops and in can. 528 for parsons; in CCEO we find the same rules in can. 192 and in can. 289; they are obliged to take care especially of persons who cannot take advantage of the ordinary pastoral care in parishes.

Regarding families, there are very important changes regarding mixed marriages. First the Codes include the profoundly modified legislation on mixed marriages shortly after Vatican II council facilitated its celebration. Further they promulgated totally new and special norm in can. 1128 of CIC and in can. 816 of CCEO: spiritual pastors are obliged to render their care not only to the Catholic spouse, but to both parts of mixed marriages, that is to the non-Catholic, too.

3. Concrete means for the pastoral care in the Czech Republic

Regarding the requirements of the universal Church, it has to be stated that the pastoral practice in the Czech Republic is not sufficient at the beginning of 21st century, more than 20 years after the collapse of the Communist regime.

3.1. General view of development of institutions for assistance

The pastoral care/service of the Catholic Church was very limited in the time of the Communist regime (1948—1989). After the collapse of the regime, the actual practical challenges had an utmost importance in the pastoral work of the Church; among them the question of marriage and family. Therefore, the people of the Church first undertook the practical activities in favour of family. The development was unequal: quicker in the eastern part of the nowadays Czech Republic, in Moravia (1990—1992); slower in the western part, Bohemia (1994 onwards). Consequently, it was necessary to create instruments for coordination of local and regional activities. In 1996, the Czech Conference of Bishops established a common institution — the National Centre for Family, slightly more oriented on logistic help: monitoring of the actual situation and trends, support of pro-family activities, foreign contacts and the “import of experiences” from abroad, professional help and education of co-operators. Then, the institutions oriented to the influence in the civil society came to being, organised on the secular bases, not as Church organisations, for instance Movement of Fathers, Centre for Hope and Help, Association of Surrogate Families, Pro-Life-Movement, Committee for Defence of Parents Rights.

3.2. The institutional basis of the pastoral care of the family

3.2.1. On the level of the Bishops' Conference

In the Czech Republic, there is a special body inside the Czech Bishops' Conference: the Council for Family, as consultative body, with an active representation of dioceses.

As an effective instrument for the pastoral care, the Czech Bishops' Conference founded the National Centre for Family in 1996, which has been registered as a non-profit civil association. The centre aims to monitor social conditions of family, to promote pro-family activities, to offer experiences from abroad and to assure the international co-operation. In the pastoral care, it serves as the centre of coordination and information for centres, in particular dioceses of the Catholic Church.

As a supplement we can mention the Commission for Justice and Peace of the Czech Bishops' Conference, which is focused on the social questions connected with the situation of marriage and family, especially linked with the social and legal conditions of their life.

3.2.2. On the level of dioceses

In the Czech Republic currently each diocese has its own centre devoted to family. The development was unequal. In the eastern part of the Czech Republic, Moravia and Silesia (and in the Moravian Church Province, too) such centres were erected very quickly: in the Archdiocese of Olomouc in 1990 as the Centre for Family and in the Diocese of Brno in 1992 as the Centre for Family and Social Care. In 1996, the new diocese of Ostrava-Opava was established by separation (*dismembratio*) of a part of the Archdiocese of Olomouc; in 1999 the Centre for Family and Social Care was founded there.

In the western part of the Czech Republic, Bohemia (and in the Czech Church Province, too), the first centre was founded in the Archdiocese of Prague in 1994, in the other dioceses only after the establishment of the National Centre for Family in 1996. Almost all of them share the name Centre for Family, with the exception of the Diocese of České Budějovice in the Southern Bohemia, where the name is Diocesan Centre for Family. Some dioceses allowed to register their centres by the State as

non-profit civil associations, or dioceses founded beside their centres for family (in registers as Church institution) different Centres for Family and Social Care as non-profit civil association, because such civil institutions can better co-operate with similar civil associations, with communal and regional political representatives and they can gain easier financial support from public funds.

3.3. Preparation for marriage

The basic problem is the preparation for marriage. At the beginning of the 1990s, there was no common scheme, or at least common outlines, for this preparation, both on the level of particular dioceses and on the level of the newly established bishops' conference (in 1990).

First, it was necessary to collect experiences. This process has been complicated by considerable differences between particular regions of the state (reduced in fact by the splitting of the former Czechoslovakia at the end of 1992) and by quick social changes, leading to the creation of social environment very similar to other developed countries of the West.

Thanks to gained experiences, both positive and negative one, and to very important contribution of the National Centre for Family (and of experts, especially in the matter of pastoral theology), it was possible to prepare national directory for this preparation. Existence of such directory is foreseen in the apostolic exhortation *Familiaris consortio* from 1982, no. 66, and in the document of the Pontifical Council for the Family *Preparation for the Sacrament of Marriage* from 1996, nos. 4 and 14. Only in 2010 has been published a document of the Czech Bishops' Conference with the title *Preparation for marriage*. It states an existence of big defects, especially in the immediate preparation, which must be consequently very often linked with the immediate preparation. The document encourages pastors to realize common courses together with lay experts, especially in the phase of the immediate preparation, and to provide common courses for the betrothed at least in bigger cities, certainly with the collaboration with parsons. It is necessary to add that — unlike in Poland and other countries — there are usually no common courses of preparation for marriage in parishes or bigger circumscriptions. The preparation is in rule given to individual couples.

But it is not enough to offer directory and practical help for the preparation of marriage, since it is necessary to include this topic in the whole strategy of catechesis. Actually, it is planned by the Sub-commission for

Catechesis of the Czech Bishops' Conference to include the remote and the immediate preparation into an integral plan of catechesis, divided in two different parts: classes of religion in the school, more or less oriented on the knowledge of religious phenomena, and parish catechesis oriented to the formation of religious attitudes: the proximate preparation should be included into the parish catechesis. The integral plan ought to be prepared and fulfilled in 2017.

Practical realization is mainly connected with activities of the above said diocesan centres for family; all of them organize courses of preparation for marriage, generically called "School of relationship," as improvement of the immediate preparation, and simultaneously, as beginning of the immediate preparation. The most elaborated network exists in the Archdiocese of Olomouc: there are branches in all *vicariates forane*.

3.4. Special pastoral care

Apart from the preparation for marriage, the centres for family offer special programmes oriented at different topics connected with the life in marriage and family: programmes for mothers, for men, consultant service for parents, meetings for couples (including refreshment and renovation of the marital relationship, both on the material and spiritual level), meetings for seniors and regular community meetings of seniors. The counselling in the field of psychology, pedagogy and psychotherapy has proven to be very helpful.

Very sad phenomenon of the contemporary times is the fact that notable percentage of marriages suffers the breakdown in the Czech Republic, including the Christian and the civil ones. Therefore, it is very important to develop consultant service for couples in troubles and special pastoral care for divorced persons without the partnership relation (mainly women — single mothers) and persons who remarried.

The alone-living persons must not be: widowed persons and persons without family — this offer exists in the centres encompassing bigger populations (Olomouc, Brno, Prague).

Last but not least, there has to be mentioned a very interesting activity of the Archdiocese of Olomouc: pilgrimages of singular *vicariates forane* to important sacral places of the archdiocese directed on prayers for family and spiritual vocations with participation of the archbishop, once a month subsequently for singular *vicariates forane*. It reminds us of the decisive role of the prayer and of the spiritual effort in all domains of our lives.

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DAMIÁN NĚMEC

Pastoral Vision of the Rights of the Family in the Catholic Church

Summary

Starting from a short summary of the doctrinal basis and of the direction of the canon law, the author shows main lines of the pastoral vision of the rights of the family in the Catholic Church. Further he presents a concrete realisation of the mentioned vision in the Catholic Church in the Czech Republic.

DAMIÁN NĚMEC

Vision pastorale des droits de la famille à l'Église catholique

Résumé

En commençant par un court résumé contenant une base doctrinale et des indications canoniques, l'auteur présente les lignes principales de la vision pastorale des droits conjugaux à l'Église catholique. Ensuite, il présente une réalisation concrète de cette vision dans les conditions de l'Église catholique dans la République tchèque.

Mots clés: mariage, famille, théologie, droit canonique, prêtrise, conférence des évêques, diocèse

DAMIÁN NĚMEC

La visione pastorale dei diritti della famiglia nella Chiesa cattolica

Sommario

Partendo da un breve riassunto della base dottrinale e delle indicazioni canoniche l'autore presenta le linee principali della visione pastorale dei diritti del matrimonio nella Chiesa cattolica. Nel seguito viene presentata la realizzazione concreta di tale visione nelle condizioni della Chiesa cattolica nella Repubblica Ceca.

Parole chiave: matrimonio, famiglia, teologia, diritto canonico, pastorale, conferenza dei vescovi, diocesi