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Part One

# Ecumenical Theological Thought





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## Marriage and Family in Life Projects of Contemporary Youth

**Keywords:** youth, family, marriage, religion, values

### Like culture, like family

Contemporary culture seems to be characterized by a notion of incessant, multidirectional change, a loss of one's identity for the sake of transformations and extreme forms of networked decentralization. Nowadays, cultural changes are commonly categorized with respect to their historically unparalleled pace as well as the multilateral nature of axiological references and symbolic interpretations, which is referred to as a condition of *warpedness*. Both the post-modern dissolution of basic moral terms and the deconstruction of cultural ecumene could be subsumed within the aforementioned notion of warpedness. The values of liberty, equality, fraternity, once conceived as symbolic figures of modernity, are becoming dethroned by latitude, diversity and tolerance conceived of as values orchestrating the direction of contemporary changes in culture.<sup>1</sup> Knowledge is fragile, and ethos is being fitted into changing socio-cultural contexts, thereby losing its durability and the certitude of applied cognitive or axiological criteria. *Changeability* seems to constitute the sole long-lasting value. In this sense, individualization of human choices, egocentrism of

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<sup>1</sup> Z. BAUMAN: *Modernity and Ambivalence*. Cambridge: Polity Press, 1993.

motivations and inherent subjectivity of ethical judgements make the creation of social structures difficult. The category of social structure clearly applies to marriage which may be perceived in terms of a social group founded by the man and woman with an underlying intension of its dissolubility — which is expressed in the Christian doctrine as an institution lasting until one of the spouses' demise — and its subsequent transformation into the structure of family based on kinship ties, either biological or adoptive. Since ideologized egocentrism aims to emancipate an individual from social relations based on mutual obligations and responsibilities, it also submits the said relationships to the principle of self-actualization conceived as an incessant pursuit of entertainment, wealth, power, or self-realization. The ideology of radical egocentrism “gathers its followers easily because it knows how to entice them: new idols say that being oneself and jumping at occasions is sufficient enough to learn that there are no limits, and no greater effort is needed to obtain everything and everyone.”<sup>2</sup>

What follows are the main tendencies with respect of changes of contemporary culture:

1. Social differentiation leading to the atomization of diversified spheres of social life (i.e. family, economy, work, culture, science, politics, religion, etc.) which remain interrelated to a certain degree, but stay independent in normative and behavioral ways. The tendency, to a certain extent, becomes manifested as the privatization and individualization of cultural significance attributed to the family. While diagnosing the directions of changes in contemporary culture, T. N. Clark and Ronald Inglehart postulate that the diminishing role of the family facilitates individualization and differentiations of tastes, which becomes conducive for tolerating diversity of lifestyles. Likewise, by enabling the execution of rights towards new individuals or types of social activity, the changes foster the development of a new political culture<sup>3</sup> in which the role of natural family diminishes, and family-related problems are generally conceived as private issues. When understood as a self-sufficient component of social system, the family becomes disconnected from its traditionally robust ties with the religious component of social system. This process is multidimensional and could be represented as a delegitimization processes with regard to the sacramental character

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<sup>2</sup> “An interview with Professor Zbigniew Stawrowski.” Interview by Bogumił ŁOZIŃSKI. Available at: <http://religie.wiara.pl/doc/3334109.Samobojstwo-Zachodu> (date of access: 1.09.2016).

<sup>3</sup> T. N. CLARK, R. INGLEHART: *The New Political Culture. Changing Dynamics of Support for the Welfare State and Other Politics in Post-Industrial Societies*. Chicago: University of Chicago Press, 1990.

of marital union. The decreasing marriage rate becomes concurrent with an increase in the number of civil marriages with regard to the number of marriages taken according to the Code of Canon Law.<sup>4</sup> In the context of Polish society, the secularization of mentality is more evident in the case of young Poles, which means that religious forms of legitimation (especially institutional ones) are increasingly marginalized in the adolescent population.

2. De-institutionalization as a result of which social institutions are perceived as being superficial, fossilized or impersonal. Claims to be autonomous from institutions (i.e. the guardians of norms and values) are also increasing, and institutions themselves are being progressively customized to fit into individual life projects. The process is also represented as attempts to free oneself from the family conceived as an institution. “The depreciation of the marriage and family by both the state and international institutions is a result of the total disregard with reference to their role and significance for the state and social life.”<sup>5</sup>

The increasing number of alternative forms of marriage and the family (there are numerous types of such relationships but LAT and cohabitation are most frequently referred to) may serve as a neat illustration of the aforementioned processes. These alternative forms share one common characteristic; namely, they remain beyond the sphere of institutional legitimation including legal, religious or social regulations. In this context, one may commonly address the issue as *having a relationship with one's partner*. Casual cohabitation, being together yet apart, are a serious competition for demanding bonds of marital unions and, consequently, could be easily inscribed into a model of culture postulating ideologized egocentrism and the pursuit of *changeability*.

3. Cultural pluralism which is defined as a primary organizational rule rendering sense and shape to *modern society*, a chief value and indicator of being modern. When observed from a perspective of everyday

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<sup>4</sup> The Statistical Institute of the Catholic Church informs that “merely” 62.2% of couples decide in favor of the Church marriage (the lowest rate has been observed in the Zachodniopomorskie Province — 49.9% and the biggest rate in the Podkarpackie Province — 73.2%). This is correlated with a low frequency of taking part in religious practices observed in the Zachodniopomorskie Province and, conversely, the high rate of similar observations noted in the Podkarpackie Province. At the same time, 3.5 thousand applications for stating that the marital union is invalid were posted to Bishop Courts in 2015. The number of such application has doubled in the timespan of a decade and each year witnesses an increase in the number of such applications. Church marriage is becoming less popular.

<sup>5</sup> P. MAZURKIEWICZ: “Kościoł wobec wyzwań demograficznych.” In: *Sytuacja demograficzna w Polsce. Aspekty politologiczno-etyczne*. Eds. M. PAWLUS, M. CHAMARCZUK. Warszawa: Towarzystwo Naukowe Franciszka Salezego, 2015, p. 56.

experiences, the existence of universal values is losing ground to axiological diversity. “A radical form of pluralism, which remains tolerant with respect to contradictory norms and values, and giving an impression that anything goes is acceptable, is a sign of our times.”<sup>6</sup> In the context of family-related considerations, the concept of radical pluralism espouses a bigger degree of arbitrariness as to providing definitions of marriage and family both in the context of legal jurisdiction and social awareness. The Polish parliament passed the “Act on Gender Reassignment” on the 10th of September 2015, which could possibly have serious consequences for our understanding of marriage as it is expressed in the Polish legal system.<sup>7</sup> Additionally, social perceptions of the family are also becoming increasingly all-inclusive.<sup>8</sup> Recently, there has been an increase in the number of respondents who are willing to perceive an unmarried, cohabitating couple raising a child/children (71—78%) or an unmarried childless couple (26—33%) in terms of a distinct types of family structures. Likewise, similar tendencies have been observed with respect to homosexual couples raising children (9—23%) and homosexual couples not having their own children (6—14%).<sup>9</sup> The family is perceived to consist of components which are willingly perceived to constitute a part of family structure. This refers to pets, such as dogs, cats or hamsters. Sociological textbooks contain references to “poliamoric families” conceived as being more durable than family structures based upon legal and formally acknowledged marital unions.

4. Structural individualism paving the way for a radical privatization pertaining to taking individual decisions, which results in experiences of ambivalence, uncertainty or risk. Life patterns are not necessarily inherited, but created according to one’s own scenarios, without a facilitation of being anchored in the sphere of fixed, durable values.<sup>10</sup> When understood on the most basic level, this refers to disregarding family-centered traditions and the marginalization of inter-generational ties conceived as factors safeguarding the transmission of traditions and cultural identities. The latter function has been extensively elaborated

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<sup>6</sup> J. MARIAŃSKI: *Młdzież między tradycją a nowoczesnością. Wartości moralne w świadomości maturzystów*. Lublin: Wydawnictwo KUL, 1995, p. 31.

<sup>7</sup> The project is available at <http://www.sejm.gov.pl/sejm7.nsf/PrzebiegProc.xsp?nr=1469> (date of access: 7.09.2016).

<sup>8</sup> M. ŚWIĄTKIEWICZ-MOŚNY: “Rodzina jako element definiowania siebie.” *Roczniki Nauk Społecznych*, no. 4 (2013).

<sup>9</sup> “The Family and Its Contemporary Understanding.” CBOS. BS/33/2013, Warsaw, March 2013.

<sup>10</sup> J. MARIAŃSKI: *Młdzież między tradycją a nowoczesnością...*

upon in sociological studies aiming to indicate a role of extended families in sustaining cultural identity. For instance, a research conducted in Slovakia points, among many other issues, to the diversification of trust capital within families, which becomes manifested as significantly weaker patrilineal intergenerational ties. Mothers are depositaries of trust, and the role of fathers diminishes in this specific context. Likewise, family relationships are increasingly affected by culture of distrust, which is manifested as a stronger propensity for living next to each other, not together. Furthermore, more than one-fourth of the surveyed adolescents are not interested in sustaining emotional ties with their grandfathers who have become absent, redundant in the social representation of the family as it is constructed by representatives of the younger generation.<sup>11</sup>

When observing the contemporary cultural transformations, one is definitely predisposed to accept Anthony Giddens's insightful postulates indicating the global, and perhaps obligatory, character of revolutionary changes in the sphere of family relations and intimacy. These changes could be compared to a hurricane which finally reaches everywhere, affecting and completely altering local social systems.<sup>12</sup>

Nowadays, one experiences a crisis of the family understood both as a social group and social institution. Alternative forms of marriage and the family are enjoying an increasingly wide social acceptance. At this point, numerous statistical data referring to the condition of families could be adduced. Yet, statistics are able to focus our attention on figures being merely representations of real transitions in culture and human mentality. Demographical crisis is, first and foremost, a crisis of values and a crisis of human conceived of as a specific type of value, a crisis of family conceived of as a natural environment of upbringing and primary socialization.<sup>13</sup> Lucjan Kocik rightfully observes a plethora of factors responsible for the dissemination of attitudes of hostility towards the family in the contemporary world: 1) dissolution of traditional extended family, 2) lack of responsible pro-family policy on behalf of state or regional authorities, 3) opportunity for having a wealthy life not being married or not having a family, 4) childlessness as a form of fad, 5) privatization of family life, procreation and motherhood, 6) exhaustion of the procreation under-

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<sup>11</sup> W. ŚWIĄTKIEWICZ: "Zaufanie jako wartość życia rodzinnego." In: *Medzigeneracyjne wzaby v súčasnej rodine. Vysledky sociologickeho vyskumu v Nitrianskom kraji*. Eds. W. ŚWIĄTKIEWICZ et al. Katowice: Studio Noa, 2014.

<sup>12</sup> A. GIDDENS: "Ramy późnej nowoczesności." In: *Współczesne teorie socjologiczne*. Ed. A. JASIŃSKA-KANIA et al. Warszawa: Scholar 2006.

<sup>13</sup> W. ŚWIĄTKIEWICZ: "Rodzina jako wartość społeczna." In: *W trosce o rodzinę*. Ed. W. ŚWIĄTKIEWICZ. Katowice: Instytut Górnośląski, 1994.

stood as a kind of duty towards God or nation.<sup>14</sup> Additionally, the aforementioned list may be supplemented with a fact that procreational function and sexual desire have been separated, which is concomitant with cultural patterns stressing one's penchant for sensual experiences.

The aforementioned characteristics of contemporary culture are directly responsible for the creation of young individuals' life projects. Such projects could be understood in terms of a normative capital yielding an anticipated, accepted or perceived as modern (i.e. better, more attractive than the traditional one which is automatically downplayed as obsolete, worse) mode of existence that becomes actualized in the practice of everyday life. In this context, the adjective *modern* designates a sphere of life that has been emancipated from the rule of cultural traditions. The colorful reality of advertisements or commercials lays stress on the eternal youth, health or beauty, as well as human life emancipated from material pressures of everyday existence. At the same time, this world is based upon selfish motivations and subjective value judgements, which becomes manifested as an essential difficulty in the constitution of robust communities based upon the attitudes of engagement, sacrifice and responsibility. The words wife and husband have been replaced by partners in the discourse of glossy, full-colour magazines. Staying focus on individual career, the search for an attractive job, which requires social mobility and being able to work long hours, consumerist lifestyle are not conducive for having and raising children. When seen as a result of the incessant pursuit of success, *fatigue* results in the lack of one's time for the family and children. It is little wonder, then, that there are significantly less non-immigrant children nowadays. Similarly, an increasing number of adults are deprived of experiences concerning their own childhood as associated with positive emotions of living among one's mother, father, siblings, grandparents and other relatives. The experience and image of one's own family are always to a certain extent transposed to social roles which are undertaken in adulthood.<sup>15</sup> Such experiences and patterns are not only responsible for modelling or justify (however, I prefer the notion of legitimation in this context because the latter term has a broader meaning as it denotes a process of providing sense and value to undertaken life choices and their actualizations inscribed in practices of the quotidian) practices of day-to-day existence. When interested in welfare issues, sociological studies indicate the intergenerational patterns of helplessness, inability to cope with one's life, or poverty. The same conclusions could be drawn

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<sup>14</sup> L. KOCIK: *Rodzina w obliczu wartości i wzorów ponowoczesnego świata*. Kraków: Oficyna Wydawnicza AFM, 2006.

<sup>15</sup> H. KRZYSTECZKO: *Z rodziny do rodziny*. Katowice: Księgarnia św. Jacka, 2016.

with respect to intergenerational patterns defining an individual's ability to design one's life, which is also true of their relations to forms of everyday existence. Hence, the aforementioned postulates point to social mechanisms fostering the intergenerational cultural reproduction of patterns which refer to social practices taking place in families: *since poverty breeds more poverty, one divorce breeds more divorces*.

The family has become incorporated into the sphere of political economy and, consequently, it mirrors its basic tensions. A fundamental aim of socialization is

a preparation for one's existence in the world that is standardized, segmented, and discontinuous. On the other hand, the family faces a postulate of individualized, autonomous 'persons'. Consequently, the family is kept hostage in a no man's land located between two dissimilar grammars of the self. By forming autonomous, self-directed personalities the family-related socialization paves the way for a failure because thusly formed individuals could not be able to accommodate to pressures set by the society of organizations. In this way, authenticity of one's identity must lead towards maladjustment. Conversely, by forming personalities which are useful for complex organizations, the family produces neurotics whose usefulness is limited to being accommodated to life demands since they face obligations of achievement and demonstrate too little an amount of practical autonomy and self-confidence.<sup>16</sup>

Although the family is not sufficiently supported by culture or politics, certain initiatives are undertaken (i.e., the Big Family Charter, 500+ programme) and legitimized by introducing the term "family" into the name of relevant ministry.<sup>17</sup> The *fatigue* could be also caused by the incessant dissemination of pathological aspects of family life and the lack of positive coverage in mass culture which is nowadays responsible for the production of norms and patterns of social existence. Risking a certain overstatement, one could dare to say that marriage and family — especially when considered with regard to procreation — are represented in popular mediascapes in the context of violence, pathology, and other situations of oppression.

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<sup>16</sup> Z. BOKSZAŃSKI: *Tożsamości zbiorowe*. Warszawa: Wydawnictwo Naukowe PWN, 2005, p. 220.

<sup>17</sup> The Ministry of Family, Labour and Social Policy.

## Where can adolescents search for the family in the world of axiological warpedness?

The status of family in adolescents' life projects may be succinctly described by socio-demographical data which register social facts understood as consequences of life projects realized by consecutive generations of Poles.

Although the data provided by the Statistics Poland indicate that as many as 60% of adult Poles are married,<sup>18</sup> the figure alone does not seem sufficient enough to fully understand the changing condition of Polish families. A long-term observation reveals fluctuations in the marriage rate that point at a tendency towards the decrease in the number of marriages. In 1990, the marriage rate (i.e. one marriage per 1000 individuals) was higher than seven, and in 2013 this very rate is below five. Concurrently, a comparable, longitudinal analysis, which focuses on the median of first marriages in Poland (years 1900, 1995, 2000—2013),<sup>19</sup> demonstrates the increase in the age of individuals who plan their first marriage with a concomitant decrease in the willingness to marry. The data clearly indicate that young Poles, as a rule, are motivated to delay their decisions concerning their first marriage. The relevant median for Poland amounts to 28 years of age for males and 26 years of age for females. At the beginning of the 1990s, the relevant figures were respectively 24 and 22 years of age. The said tendency exerts a negative influence upon one's willingness to have children as well as the functioning of the whole family in the future. Likewise, the number of childless families is growing, and the decreasing tendency in the birth rate, as relevant demographic forecasts show, is becoming more visible.

When observed from a perspective of marital status, the aforementioned statistical analysis indicates that more than 2.1% of Poles declare their willingness to remain in a cohabitating relationship.<sup>20</sup> Concomitantly, the structure of Polish cohabitations with regard to respondents' age and gender shows that cohabitation is a feature of relationships formed by young couples of less than 30 years of age.<sup>21</sup> In this specific context, cohabitation is either regarded as an alternative with reference to the traditional marriage, or as a consequence of life projects managed after one's divorce or,

<sup>18</sup> J. STAŃCZAK, K. STELMACH, M. URBANOWICZ: "Małżeństwa oraz dzietność w Polsce." Available at: <https://stat.gov.pl/obszary-tematyczne/ludnosc/ludnosc/malzenstwa-i-dzietnosc-w-polsce,23,1.html> (date of access: 25.05.2018).

<sup>19</sup> J. STAŃCZAK, K. STELMACH, M. URBANOWICZ: "Małżeństwa..."

<sup>20</sup> Ibidem.

<sup>21</sup> Ibidem.



less frequently, the spouse's demise. Thusly understood, cohabitation is a social category which is characterized by a dynamic increase.<sup>22</sup>

An interesting perspective on the role of marriage and family in adolescents' life projects is provided by a report "The Youth 2011" devised by Professor Krystyna Szafraniec.<sup>23</sup> The report shows that until the mid-1990s characteristics of the young generation were only insignificantly different from the relevant features typical of the youth of the mid-1980s. The studies pointed towards the adolescents' constant orientation on the "well-established" values and existential patterns, such as life stabilization, family happiness, friendship, satisfying job, self-directedness. In the second half of the 1990s, sociological studies observed different characteristics. Unprecedentedly intense educational and status aspirations, penchant for comfortable life, pragmatism, significant success orientation, and ambivalent attitudes towards the family and marriage were observed. It is also noteworthy to observe global tendencies towards ethical solitude, lack of personal fulfilment, anxieties, depression or neurosis — all of which affect Polish adolescents, too. "[T]he youth experience problems with achieving maturity, and their psychological maturation is becoming more difficult to be achieved as a developmental process. Despite the lack of complaints, a significant number of adolescents cannot cope with excessive social demands, cultural pressure for success, ambivalence of social norms, lack of interest from their adult guardians, fragility of family bonds, or burden of parental problems."<sup>24</sup> These are the factors, or circumstances, that are not conducive to taking decisions concerning having their own family.

Sociological publications in Poland tend to deploy an ornithological term "altricial humans" in order to denote a category of elder adolescents who stay at their family home, not trying to live on their own due to the fear of responsibility for decision taking. This is even more related to the fear of marriage conceived of as an irrevocable decision. Poland is among the top ten of European countries in which adult children are unwilling to leave their homes for a long period of time: females are on average willing to become independent at the age of 28.5, and the relevant figure for males amounts to 30 years of age. More than half of the 18—34 population could be defined as representatives of the said "altricial humans." The relevant rate in Poland amounts to approx. 58%, and the highest

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<sup>22</sup> The issue of cohabitation is more extensively elaborated upon by K. Juszczak-Frelkiewicz who presents the problem in the context of adolescents' social environment. See K. JUSZCZYK-FRELKIEWICZ: *Kohabitacja w Polsce i na Słowacji. Studium socjologiczne*. Katowice: Wydawnictwo Uniwersytetu Śląskiego, 2014.

<sup>23</sup> K. SZAFRANIEC: *Młodzi 2011* (Warszawa: Kancelaria Prezesa Rady Ministrów, 2011).

<sup>24</sup> *Ibidem*, pp. 21—22.

percentage (almost 70%) has been observed in Slovakia. The lowest rate of “altruistic humans” is observed in Denmark (approx. 14%), and the average figure for the European Union is approx. 46%.<sup>25</sup>

Although a *successful* marriage, family, having children, and personal happiness are still on the agenda of strongly stressed existential values, one may observe a tendency towards focusing upon the category of personal happiness, and a *successful* marriage is not necessarily a result of having children. When conceived as a precondition for a successful life, *successful* marriage is declared by half of Poles at the age 18—29, and having children is mentioned by the quarter of respondents. One in five claims that marriage is an obsolete institution. Adolescents commonly accept informal relationships as a form of getting to know each other or a kind of preferred lifestyle. Marriage is conceived of as an institution which is getting accommodated more to the partners’ individual, egocentric needs and expectations, than to socially prescribed functions or roles. An imagined family should be perceived as an opportunity for a more profound intimacy, mutual cognition, self-development, and self-fulfillment. The trivialization of divorces results in a situation in which deficiencies in the said areas create an opportunity for taking divorce-related decisions. “It occurs more frequently that an individual feels deprived of something desired or is motivated to dissolve a marriage when one’s desires are not fulfilled. This is not a path towards a durable marriage.”<sup>26</sup>

The quoted report also refers to a tendency towards the radicalization of traditional beliefs, which is manifested as an increase in disapproval of informal relationships and divorces. Such attitudes are typical of adolescents who are strongly affiliated with religion or the Catholic community. As much as 82% of adolescents accept Church marriage and consider it as more important than civil marriage. The report “The Values of Poles and the Legacy of John Paul II” prepared by a team of sociologists affiliated with the Center for the Thought of John Paul II points at the increase in social acceptance of family and the concomitant decrease in the acceptance of divorces. Such beliefs are authored by individuals who are considered as leaders of modernity. The turn towards the family has been observed among the population of young, highly educated Poles, rather than the social category which is customarily defined as a stronghold of family-centered values.<sup>27</sup> One is also inclined to notice that the tendency

<sup>25</sup> M. CHOROSZEWICZ, P. WOLFF: “Population and social condition.” *Eurostat Statistics in Focus*, vol. 50 (2010), p. 1.

<sup>26</sup> POPE FRANCIS: Posynodalna Adhortacja Apostolska *Amoris Laetitia*. *O miłości w rodzinie*. Kraków: Wydawnictwo M., 2016, p. 237.

<sup>27</sup> B. FEDYSZAK-RADZIEJOWSKA: “Niezmiennie rodzina, dzieci i praca — wartości Polaków po 5 latach.” In: *Wartości Polaków, a dziedzictwo Jana Pawła II — 2007—2012*.

is a result of activities undertaken by the Catholic Church with regard to various groups of adolescents and manifested by a plethora of initiatives for the sake of the family based upon the sacramental marriage and the sustainability of cultural transmission in families which take care of traditional values.

Furthermore, the report provides an interesting characteristics of cohabitation. The dissemination of cohabitation, and the degree of social acceptance accompanying it, could be seen as relatively new phenomenon which is associated with political and cultural transformations of the 1990s. Adolescents are willing to treat cohabitation as a temporary kind of relationship which can protect individuals against the risk of marriage. Yet, cohabitation is often provided with a more permanent character. Cohabitations are formed by partners having a relatively lower level of education, lower income, or experiencing unemployment. A great number of such couples bring up children with a benefit of state welfare, rent subprime housing, take part in undeclared work, or migrate to other countries.

As preferred by adolescents, the model of marriage is strongly based upon positive interpersonal relationships which are manifested by trust, mutual respect and tolerance, sexual and emotional faithfulness, satisfying sex life, having children, forgiveness, and sharing household and upbringing duties. The research has noted adolescents' tendency to perceive the role of a father in a broader way so that it may include traditional female activities. It is observable, for instance, as male adolescents' readiness to take care of small children. At the same time, on the other hand, risk is inevitably calculated as an element of marriage, which is observed as a high acceptance of divorces (it oscillates around 73% or 78%, depending on a type of research).

Young Poles' life projects are characterized by a tendency to accept a cultural pattern of the monoparental family. Since 1984, a steady increase in children born out of wedlock has been observed. In 1996, the relevant rate exceeded the "magical" threshold of 10%.<sup>28</sup> In 2013, the rate amounted to 23%. Moreover, one may refer to an observation suggesting that a little less than 10% of adolescents of 19–26 years of age are childless and do not plan to have children in the future. Such an attitude seems to be quite permanent. Poland is characterized by a very low birth rate which amounted to 1.29 in 2013. The substitutability of generations has not been observed for twenty years now, and since 1990 this situa-

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*Wstępny komunikat z badań społecznych.* Warszawa: Centrum myśli Jana Pawła II, October 2012. Available at: [www.centrumjp2.pl](http://www.centrumjp2.pl)

<sup>28</sup> P. SZUKALSKI: "Płodność i urodzenia pozamałżeńskie w Polsce." *Prace Instytutu Ekonometrii i Statystyki Uniwersytetu Łódzkiego*, no. 132 (2001), p. 14.

tion has been additionally aggravated by migration tendencies resulting in young Poles taking an active part in the reproduction of demographic structures abroad.<sup>29</sup> Multi-children families are not a model which is preferred by adolescents, though it still has a bigger number of supporters as compared to a model of family with one child only. The motivation to have children weakens as a respondent's age progresses, which — on the one hand — could be explained by the susceptibility to existential patterns associated with the ideology of consumerism and — on the other hand — a result of being confronted with the devastating realities of labor market in Poland.

Numerous sociological studies,<sup>30</sup> including the aforementioned report, are sufficient enough to observe that the said tendencies are internally diversified and are equipped with their own district status- an environment-related counterparts. Rural youth are more traditional, whereas adolescents living in big cities tend to be more educated and liberated. Females are more family-oriented than males, but they are also willing to manifest a more liberal attitude towards alternative forms of family and marriage. Religious affiliations also matter because they are associated with a higher tendency to attach positive values to family life and its traditional forms. Similarly, a more positive assessment with respect to parental relationship renders adolescents to express a more positive attitude towards the imagined family.

Sociological studies reveal a progressive crisis of norms of Catholic morality, which is especially observable in the context of morality related to marriage, family and one's sexuality. Marriage faithfulness is more universally accepted than the norm safeguarding the life of unborn children. Norms referring to robustness of marriage, sex life before wedding and use of contraceptives are significantly less accepted in the Polish society.<sup>31</sup> Needless to say, a debate over a future shape of the family and society will be solved in the area of axiology.

The family as a cultural value cannot be acknowledged merely by means of social benefits, legal regulations encouraging individuals to start a family, regardless of how significant the foregoing systemic solutions are. Love and family happiness cannot be written into acts or by-laws. A positive choice with respect to the family is rendered possible by the dissemination of pro-family culture which is based upon positive traditions

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<sup>29</sup> J. STAŃCZAK, K. STELMACH, M. URBANOWICZ: "Małżeństwo oraz dzietność w Polsce." Warszawa: GUS — DRP, 2016.

<sup>30</sup> J. MARIAŃSKI: *Przemiany moralności polskich maturzystów. Studium socjologiczne*. Lublin: Wydawnictwo Naukowe KUL, 2011, including the bibliography.

<sup>31</sup> IDEM: *Kontrowersje wokół relacji religii i moralności. Tożsamość czy rozbieżność. Studium socjologiczne*. Toruń: Wydawnictwo Adam Marszałek, 2014.

and remains resistant to temporary tendencies or fads. Polish and European heated debate over the family and the child's place in it is, therefore, a conflict concerning values. Hence, the strategies of forming social relations are a matter of great importance: Are they conducive to the development of families and the accumulation of an individual's social and cultural capital due to their participation in the family life or, conversely, do the strategies pave the way for the formation of egocentric individuals who are unable to build relationships inside the family and marriage, afraid of durable emotional obligations, or promote alternative forms of marriage and family inscribed in a *new political culture*?

The weakening of the family conceived of as durable foundation is definitely not conducive to the formation of social order. Threats to the family are, consequently, risks to the human being and his/her micro-community. The axiological consensus largely depends on the extent to which moral socialization in families is oriented towards the ethos of personalism which underscores such values as altruism, community, and resistance to relativism typical of ideological egocentrism that has been rendered popular due to its overtly *postmodern* character. Pro-family and pro-life movements, which are gathered around the Catholic Church, are able to produce socio-cultural conditions for bringing back the privileged status of the family in the Polish society. Both the preservation and creative development of the Polish national and religious identity is to a large extent dependent on the ability to subsume national or religious values within family-related practices of day-to-day life. The profound metaphor of the threshold of family home — when re-introduced to the mentality of Polish society — may pave the way, as in the 20th century, for the reinforcement of socio-cultural functions of the family due to the assistance of adolescent life projects and the legitimizing character of Christian values. It is a threshold of a *home* which is not perceived as a closed reality, hermetic and anxious when it comes to a confrontation with the world of multiple values. It is a *home* which comes to be understood as a starting point and a nexus of social reference for its dwellers, a *home* which aims to retain and reinforce *our own* cultural identity when an encounter with other, perhaps alien, values is experienced.<sup>32</sup>

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<sup>32</sup> M. REMBIERZ: "Dom rodzinny jako przestrzeń wychowania intelektualnego — wzrastanie w mądrości czy utwierdzenie się w dziedziczonych uprzedzeniach i stereotypach?" *Jaka rodzina, takie społeczeństwo. Wspólnototwórczy wymiar wychowania integralnego*. Ed. M. T. KOZUBEK. Katowice: Księgarnia św. Jacka, 2012.

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WOJCIECH ŚWIĄTKIEWICZ

## Marriage and Family in Life Projects of Contemporary Youth

### Summary

Contemporary culture is dominated by the conviction that an incessant and multi-directional change is necessary, that identity is lost for the sake of transformation and extreme network decentralization. It is believed that the specificity of contemporary cultural transformations lies in the fast pace of changes, unprecedented in the history of mankind, as well as the multidirectionality of their axiological references and symbolic interpretations, for which I use a metaphor of axiological warpedness. We are experiencing a crisis of the family as a sustainable social group and as an institution. The so-called alternative forms of marriage and family are becoming widely accepted by the society.

Despite the fact that both a successful marriage, family, having children and personal happiness are still values that are strongly emphasized by young Poles, there is a tendency to expose the category of personal happiness more strongly, and a successful marriage as a declared value does not necessarily involve the expectation of having children. Every fifth young Pole claims that marriage is an outdated institution. It is common in youth circles to accept informal relationships as "a check out," or simply as a way of life. Marriage appears in the images of young people as an institution that adapts more to the individual, egocentric needs and expectations of the partners rather than to the functions and roles expected by society. An imaginary family should deepen

intimacy, self-knowledge, self-development and self-fulfillment. The trivialization of divorces enables the perceived deficits in this area to find quick solutions in making divorce decisions.

Pro-family movements centred around the Catholic Church or pro-life movements legitimized by Christian axiology, to a large extent gathering also young people, create socio-cultural conditions for restoring the family's privileged place in Polish society. The preservation and creative development of Polish cultural and religious identity largely depend on the family's ability to interpret and integrate national and religious values into everyday life.

WOJCIECH ŚWIĄTKIEWICZ

## Le mariage et la famille dans les projets de vie des jeunes gens d'aujourd'hui

### Résumé

Dans la culture contemporaine domine la conviction sur la nécessité d'un changement incessant et multidirectionnel, celle sur la perte de l'identité en faveur de la transformation et d'une décentralisation réticulaire extrême. Comme la spécificité des transformations culturelles contemporaines, on considère le rythme rapide — non rencontré jusqu'à présent dans l'histoire de l'humanité — de changements et le caractère multidirectionnel de leurs références axiologiques et interprétations symboliques, à ce que j'attribue la métaphore de gauchissement axiologique. Nous éprouvons la crise de la famille en tant que groupe social durable et en tant qu'institution. Ce qui jouit d'une large acceptation sociale, ce sont les soi-disant formes alternatives de mariage et de famille.

Quoiqu'aussi bien le mariage réussi, la famille, le fait d'avoir des enfants et le bonheur personnel appartiennent toujours aux valeurs de la vie fortement accentuées par les jeunes Polonais, on aperçoit des tendances à une exposition plus forte des catégories du bonheur personnel, et le mariage réussi en tant que valeur déclarée n'est pas nécessairement lié à la volonté d'avoir des enfants. Un jeune Polonais sur cinq trouve que le mariage est une institution démodée. L'approbation des unions libres en tant que « tentative de se tester » ou tout simplement un mode de vie est commune parmi les jeunes. Le mariage apparaît dans les imaginations des jeunes comme une institution qui s'adapte davantage aux besoins individuels, égocentriques et aux attentes des partenaires qu'aux fonctions et rôles attendus par la société. Une famille imaginée devrait servir l'approfondissement de l'intimité, à l'autoconnaissance, à l'autodéveloppement et à l'autoréalisation. La banalisation des divorces fait que les déficits ressentis dans ce domaine trouvent des solutions rapides dans la prise de décisions de divorce.

Se ramassant autour de l'Église catholique, les mouvements en faveur de la famille ou les mouvements *pro life* légitimés par l'axiologie chrétienne, réunissant aussi à un haut degré les jeunes gens, créent des conditions socioculturelles visant à redonner à la famille sa place privilégiée dans la société polonaise. La sauvegarde de l'identité culturelle et religieuse polonaise ainsi que son développement créatif dépendent considérablement des capacités d'une famille à comprendre les valeurs nationales et religieuses, et à les mettre en pratique dans sa vie quotidienne.

**Mots clés :** jeunes gens, famille, mariage, religion, valeurs



WOJCIECH ŚWIĄTKIEWICZ

## Il matrimonio e la famiglia nei progetti di vita dei giovani contemporanei

### Sommario

Nella cultura contemporanea domina la convinzione della necessità di cambiamento incessante e pluridirezionale, di perdita dell'identità in favore della trasformazione e della decentralizzazione estrema della rete. Si considerano peculiarità dei mutamenti culturali contemporanei il ritmo veloce — insolito finora nella storia dell'umanità — dei cambiamenti e la pluridirezionalità dei loro riferimenti assiologici e delle interpretazioni simboliche, a cui appongo la metafora di distorsione assiologica. Stiamo vivendo la crisi della famiglia come gruppo sociale durevole e come istituzione. Godono di un'ampia accettazione sociale le cosiddette forme alternative di matrimonio e di famiglia.

Malgrado il matrimonio riuscito, la famiglia, il possesso di figli e la felicità personale continuano ad appartenere ai valori della vita fortemente accentuati dai giovani Polacchi, si rileva una tendenza ad esporre più decisamente la categoria della felicità personale, e il matrimonio riuscito come valore dichiarato non implica necessariamente l'aspettativa di avere dei figli. Un giovane Polacco su cinque afferma che il matrimonio è un'istituzione superata. È comune negli ambienti dei giovani l'assenso alle unioni non formali come "prova per collaudarsi" o semplicemente come stile di vita. Il matrimonio appare nelle immagini dei giovani come un'istituzione che si adatta maggiormente alle esigenze individuali, egocentriche ed alle aspettative dei partner che non alle funzioni ed ai ruoli che si aspetta la società. La famiglia immaginata dovrebbe servire ad approfondire l'intimità, l'autoconoscenza, l'autosviluppo e l'autorealizzazione. La banalizzazione dei divorzi fa sì che i deficit avvertiti in tal campo trovino una risoluzione rapida nel prendere le decisioni di divorzio.

I movimenti in favore della famiglia che si concentrano intorno alla Chiesa cattolica o quelli *pro life* legittimati dall'assiologia cristiana, che in gran misura riuniscono anche i giovani, creano le condizioni socio-culturali per restituire alla famiglia il suo posto privilegiato nella società polacca. Il comportamento e lo sviluppo creativo dell'identità culturale e religiosa polacca in gran misura dipendono dalla capacità di lettura e di inserimento dei valori nazionali e religiosi da parte della famiglia nella prassi della vita quotidiana.

**Parole chiave:** giovani, famiglia, matrimonio, religione, valori



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## The Challenges of Becoming a Woman

**Keywords:** woman, challenges, developmental phases and risks, disturbed and mature personality

Extremely rapid pace of changes taking place in the modern world, the need to perform by both women and men many different tasks, the disappearance of the traditional allocation of marital and parental roles, as well as too much, often inconsistent or even contradictory information give rise to difficulty in understanding ourselves and our surroundings. All of the foregoing also makes hard finding a peaceful and welcoming place in the world for both one's personal development and supporting others on their way. The need for the woman's effort on the way to fully implement her life vocation is of particular importance. Development of femininity is understood by us as acquisition of abilities at subsequent stages of life: childhood, adolescence, and adulthood, by a female to gradually fulfill tasks associated with these phases and to overcome any crises emerging during them. The purpose of development is to achieve progressively higher level of unity in all key dimensions of woman's life: biological, psychological, and spiritual. The Holy Father Francis in the Post-Synodal Apostolic Exhortation *Amoris laetitia* on Love in the Family refers to the final report of the Synod of Bishops to the Holy Father, Pope Francis (Vatican City, 24 October 2015). According to the pope, it needs to be emphasized that "biological sex and the socio-cultural role of sex (gender) can be distinguished but not separated."<sup>1</sup>

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<sup>1</sup> THE HOLY FATHER FRANCIS: Post-Synodal Apostolic Exhortation *Amoris Laetitia* on Love in the Family. Kraków: Wydawnictwo M, 2016. English translation quoted after:

A human being is generally born with a certain sex, the features of which gradually develop in ontogenesis. In modern psychology there are multitude of trends describing, explaining and indicating the possibility of stimulating human development. Each of them to a greater or lesser extent, emphasizes the role of certain factors — biological, cultural or one's own activities in individual development. Multiple and diverse standpoints in this regard, however, lead to the common conclusion that the process of becoming a woman needs, on the one hand, the personal involvement of a woman in her personal development and, on the other hand, undertaking activities by her external environment. The latter should encourage the fulfillment of her tasks that would, in turn, bring individual and social benefits.

The basis for the engagement in personal development is to have a sense of purpose in life. Development — according to humanist image of man — is understood as transcending the current state, including the activation in the course of living of the innate intellectual potential and the innate capacity for creativity, freedom, and love. That said transcending is done essentially by means of two processes: integration and disintegration. Integration gives one a sense of satisfaction, happiness, well-being, and fulfilment. Disintegration gives rise to frustration which might result in pain, suffering, distress, anxiety, apathy, passivity, but also rage, anger, and the desire to change the situation radically. The individual's reaction to frustration — discouragement, withdrawal, or taking active steps towards solving the pending problems depends on three factors: perpetuation of the innate hunger for growth, the ability to make effort, and the opportunity to observe and emulate positive models of coping with frustration by the people around oneself.<sup>2</sup> To these three factors the fourth should be added — self-image, with biological sex being a fundamental part thereof and the major factor in organizing the experience of the individual. Currently, there is a tendency to oppose *sex* as a limited set of innate, structural and physiological features associated with reproduction, with the concept of *gender* covering all complex attributes that are culturally assigned to men and women, “characteristics and behaviour seen in a given culture as appropriate for a man or a woman,”<sup>3</sup> and also characteristics associated with sex that a person sees in themselves. Supporters of using the term *gender* tend to separate biological differences from social ones, moreover, to weaken the influence of the former on the

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POPE FRANCIS: *Amoris lætitia*. Post-Synodal Apostolic Exhortation. Vatican: Libreria Editrice Vaticana, 2016, p. 45.

<sup>2</sup> K. DĄBROWSKI: *Trud istnienia*. Warszawa 1986, pp. 19—36.

<sup>3</sup> L. BRANNON: *Psychologia rodzaju. Kobiety i mężczyźni: podobni czy różni*. Gdańsk 2002, p. 34.

development and functioning of a person in different social roles at different stages of life. The distinction made by them ignores the purpose and meaning of the development understood as the pursuit of inner harmony and living in harmony with others; it is also incompatible with the fundamental factors of the development, which are not mutually exclusive but rather reinforcing one another.

Each human being is permeated by sexuality. Sex that is a major factor shaping the life of man, shaping a person, in the biological, psychological and spiritual field, a woman and a man.<sup>4</sup> Both a woman and a man must be involved in their own development to follow the path leading to attaining the highest possible level of development.

Erik Erikson identified eight stages of human development during which consecutive tasks are carried out and subsequent crises are overcome.<sup>5</sup> The first four stages occur during one's childhood. In infancy, the child develops basic trust in others through physical and emotional intimacy and regular contact with parents or legal guardians. When a child's need for affiliation cannot be met, they can become a person who lacks confidence and trust in others. The main task of the second stage, that is, early childhood development (2—3 years of age), is to achieve autonomy and self-control. Children at this stage of life already possess a sense of their own sexual identity, and this has an impact on their thoughts, feelings, behaviour, self-image and also on the perception of and thinking about others, for instance, about other persons' appearance. The sex is one of the first social categories recognized by children.<sup>6</sup>

The third of development stages is a play age (4—5 years) conducive to growth in initiative in action, purpose orientation and in shaping a sense of guilt and shame. Children younger than 5 resist interactions with children of the opposite sex. A child during this period may suffer rejection and restraint from adults in the form of limiting his/her activity and not responding to spontaneously asked questions, including questions regarding their appearance in the world. Moreover, the child can receive signals from the surrounding decreasing or depreciating the importance of sex, which can favour withdrawal, hinder initiative; form blockages in asking questions, and interfere with the formation of self-image and gender identity. During the fourth phase of childhood development — the school age (6—12 years of age) a sense of their own competence, diligence is formed

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<sup>4</sup> Kościół a problemy etyki seksualnej. Komentarz do Deklaracji Persona Humana. Warszawa 1987.

<sup>5</sup> E. H. ERIKSON, J. M. ERIKSON: *The Life Cycle Completed*. New York: W.W. Norton, 1997, pp. 55—82.

<sup>6</sup> B. WOJCISZKE, *Kobiety i mężczyźni: odmienne spojrzenia na różnice*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2002, p. 51.

in the child, above all, the child begins to realize that they have multivalent (multi-dimensional) personality. School age is a period in which the child seeks to be a member of a peer group composed of individuals of the same sex, especially in the early stages of school education.

The described stages of the child's development require first and foremost the presence of parents, legal guardians and, over time, teachers and their involvement in shaping a given child's psyche, their sexual identity and self-image. During childhood, it is important to provide children not only with milk — E. Fromm wrote<sup>7</sup> — symbolising the ability to satisfy physiological needs, but also with honey, which is as an expression of the love of life — an essential factor in shaping the child's correct attitude towards themselves and others with respect to their own sex. The nature of relationship, especially between mother and child, depends on how she understands what it means to be a woman or a man. This understanding will mark her attitude towards the child's sex, appearance, behaviour, and also will shape the attitudes of girls and boys with respect to adults of both sexes. Expectations towards a child expressed by his or her parents regarding the child's behaviour, personality traits and skills, labelling a child, signals sent by the mother or another woman close to the child referring to the latter's experience of satisfaction or the lack thereof in relation to the implementation of tasks and responsibilities, which became the child's share, may stimulate or interfere the gender identification process in boys and girls. The external factors which may jeopardize the child's proper development in the early and intermediate stages of childhood, include: lack of intimacy, safety and exclusivity of relationships with significant people. During the school age, in turn, the risk factors are: the labelling of the child by parents and teachers, negative image of a parent of the same or opposite sex, being rejected by or isolated from the peer group (particularly of the same sex). Comparing oneself with others, educational failure, lack of acceptance by peers, abnormal behaviour of parents in the form of excessive demands, avoiding contact, parent's dissatisfaction with a child's sex, aggression — all of the foregoing factors may give rise to a sense of inferiority, inadequacy and instigate fear, which could lead to isolation from others, self-harm, or aggression directed towards peers.

The child takes pains to develop him or herself to the extent that they are allowed by their significant others. It is responsibility of the said significant others to support the child's development. These people should not hinder children's natural curiosity of the world, their desire to explore it. It is important to provide positive models which children can emulate and identify with.

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<sup>7</sup> E. FROMM: *The Art of Loving*. New York 2013, pp. 37—41.

Being involved proactively in one's own development is an important characteristic of adolescence (13—18 years of age), during which the essential developmental task is to construct one's own identity through insight by seeking answers to, for example, the following questions: Who am I? Who am I becoming? What do I aspire to? What is important to me? What are my passions? How do I see myself in terms of my physicality? What does it mean to me to be a woman? Am I faithful to myself? What is the image of a partner I develop in my psyche?

Building identity involves two stages. At the first stage — *the exploration* — one's own resources and the environment and the nature of the relationship I vs. other people is recognized, one sees oneself in the so-called mirror of society (“How people see me?”). At the second stage — *the commitment* — the person becomes responsible for their decisions, gets involved in the implementation of tasks set out by themselves. Adolescence has its origin in physical, biological, and physiological changes designated by sex and closely linked to changes in the emotional sphere, and ends with mental and moral changes, forming the world of values and attitudes towards responsibilities. The features of the girl's growing up are:

- developing both emotional and cognitive empathy (to a much greater extent than boys);
- as a consequence of the girl's relational concept of self, girls seek relationships with others, most of all, to share their feelings, to establish intimacy and closeness;
- acquiring knowledge pertaining to communication with others, again more often than it is encountered in boys;
- growing need and adroitness at listening to the interlocutor;
- development of an emotional need to receive and experience support from others.

Potential risk factors in the adolescent development of femininity are:

1. Lack of self-acceptance coupled with a deficit of acceptance experienced from others, or even worse — dealing with denigrating, offensive, vulgar language and behaviour; situation in which a girl's virtues are not recognized and — quite the opposite — her flaws are repetitively pointed out. It is worth emphasizing that self-acceptance has its origin in the experience of being accepted by others. Acceptance can be expressed in various ways, for example, through unconditional recognition: “I'm glad that you're here,” or conditional recognition worded, for instance, in the following way: “I'm happy that you've performed this task so well.” Situations when an adult tells an adolescent girl “You are a good-for-nothing” or ignores her should

be considered as significant mistakes in the upbringing process. Indifference to a girl's behaviour is the emotionally most hurting form of the lack of acceptance. Acceptance can be also communicated through warm gestures and accompanying an adolescent girl silently. Acceptance experienced from significant others allows one to discover and utilize one's potential, it encourages, gives strength and self-confidence. Lack of acceptance fosters or reinforces low self-esteem, which plague the adolescence anyway, for example, by the girl's unacceptance of the biological and physical changes she undergoes or through comparing herself with others, as well as through the discrepancy between the real and ideal self-image.

2. Hunger for intimacy that could result in establishing reckless heterosexual relationships, in "emotional dependence."

3. Loneliness, which may be determined by situational factors, for example, difficulties experienced in daily life; existential factors — discrepancy between the values cherished by a girl and her surrounding, perceiving the environment as hostile and not understanding and empathetic enough; developmental ones, for example, focusing on herself and passivity or unwillingness to enter into interpersonal relationships with others; educational ones, for instance, creating by parents and teachers communication barriers in the form of being judgmental, jeering at the girl, using threats, dictating solutions, and downplaying problems signalled by her.<sup>8</sup>

4. Lack of positive role models, both female and male, in close surrounding, for example, lack of mutual respect between the parents, relatives, friends, unsolvable conflicts unfolding between the parents, mother's or other women's difficulties in reconciling careers with family life and maternal responsibilities, general overburdening of women with household chores, an absentee father, witnessing different types of addiction. All of the foregoing factors can interfere with the process of developing girl's identity, which includes gender identity, and hinder positive evaluation of responsibilities associated with roles performed in adulthood.

5. A negative image of female roles shown in the media or the image of a woman excessively focused on accomplishing professional tasks in the absence of models of women involved in marital and family tasks.

6. Mental disorders such as depression, anorexia, or bulimia. Depression during adolescence may take a various forms, the most benign of which is dejection characterized by deep sadness, not noticing the good aspects of life, neglecting daily duties, negative self-esteem, pessimistic assessment of the future. Dejection may be also a reaction to the difficulties faced by a girl. A teenager affected by the depression disorder feels

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<sup>8</sup> Cf. Z. DOŁĘGA: *Samotność młodzieży — analiza teoretyczna i studia empiryczne*. Katowice 2003; Th. GORDON, *Wychowanie bez porażek*.



sad, desperate, deprived of the joy of life, tearful. She loses appetite, interests, her mental capacities such as memory is weakened, she experiences difficulties in concentrating, her school grades get worse. An adolescent girl with depressive disorders for a permanent specific period of time is in a state of low mood, irritability, motor and mental inhibition, has difficulty concentrating, lacks her vital energy, experiences a sense of guilt, worthlessness, is withdrawn or excessively agitated, stops taking care of her appearance. Symptoms of depression are twice more common in girls than in boys, they also exacerbate with teenager's age. Another of the above-mentioned disorders — anorexia — is characterized by distorted body image, refusal to maintain body weight at a normal level, an intense fear of gaining weight, often amenorrhea, for example, while bulimia is characterized by alternating periods of bingeing and purging (forced vomiting, taking laxatives and diuretics sometimes accompanied by excessive physical exercises or fasting). Women represent 90% of all people who suffer from anorexia or bulimia.<sup>9</sup> These disorders can generate difficulties in the development of femininity or stem from them.

What can an adolescent girl do to further her own personal development? It is worth noticing that adolescence is the time of formation of internal autonomous morality, initially characterized by adherence to moral principles, or internalization of rules, principles, their literal wording (between 12—15 years of age); later by the moral rationalism (between 15 and 18 years of age), for which it is appropriate to understand the “spirit” of standards and be able to ponder both motivation of actions and their more or less desirable consequences. An adolescent girl should therefore be involved in learning about the world of rules governing social behaviour, including — behaviour in relations with persons of the opposite sex, bearing in mind the consequences of such behaviour for herself and others. It is important that she gets involved in activities for the sake of her own development as well as remain open to the needs of others. Many people at this stage of life assist others, for example, in the form of volunteering. Friendships established and deepened at this stage of life are conducive to deepening empathy, strengthening self-confidence, discovering talents, accepting biological changes, coping with the “explosion of hormones.” Health disturbances during this period necessitate treatment, which is not easy, because teenagers often deny the occurrence of symptoms in themselves and resist the help offered by the environment.

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<sup>9</sup> B. WOJCISZKE: *Kobiety i mężczyźni: odmienne spojrzenie na różnice*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2002, pp. 317—318.

Adulthood becomes the real challenge to engage in one's own development. In the early adulthood (18—26 years of age according to E. Erikson, 18/20—30/35 according to the classification adopted in the Polish developmental psychology<sup>10</sup>) the essential developmental tasks are: the achievement of ability to love without losing the sense of one's own identity, the pursuit of intimacy, the acquisition of the ability to get to know oneself and other people, respect for others, sensitivity to their needs and taking care of them and engaging in activities. This is a period of taking up a job; many people establish a family at this time. This requires of the young — including women — a thorough identification of developmental potential, setting priorities, the ability to combine responsibilities belonging to different roles. The following grow in importance: the role of one's own image of and the role of the man in marriage and expectations of the spouse. An important role is played by the need to adopt a new lifestyle taking into account the rhythm of family life, the rhythm of work, as well as maintaining relationships with family of origin members, with friends. The opposite of the desire to unite with others is a desire for independence and isolation.

The risk factors for developing femininity in the phase of early adulthood, in turn, may result from:

- psychological dependence of the woman on a parent — more often on the mother — defined as the syndrome of not cutting the umbilical cord, which is reflected in remaining in a too close relationship with the mother at the cost of time and the quality of the relationship with the husband, in discussing by the woman decisions about her own marriage and procreative family with a parent and not with her husband, in changing under the influence of a parent arrangements made earlier with her husband, and in expectation and demand from the spouse to accept the rules and principles of coexistence determined by a parent or both parents;
- faulty ideas about the marital, parental, and professional role, both hers and her husband's. That defectiveness is often associated with the difficulty and sometimes inability of a woman to undergo a reflective evaluation of role models acquired in the family of origin and aiming at emulating them, while at the same time forcing husband to adjust to her expectations and meet her requirements;
- conflicting demands of different roles, which is conducive to growing dissatisfaction from the marriage relationship, contacts with children, from work, as well as initiating interpersonal conflicts. If a young woman cannot effectively solve them — which requires a dialogue,

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<sup>10</sup> A. BRZEZIŃSKA (ed.): *Psychologiczne portrety człowieka. Praktyczna psychologia rozwojowa*. Gdańskie Wydawnictwo Psychologiczne, Gdańsk 2005, p. 9.

- mutual understanding, and sometimes to revise the existing views on the validity for her of the tasks associated with each of the roles performed by her — it happens that she decides to break off marital union;
- improperly developed self-esteem, based on essentially erroneous attitudes shaped during upbringing; attitudes which were experienced by the woman during her childhood, marked by domination, parents' hovering over or rejecting her, implying the strengthening of the sense of low value, imperfections, deepening lack of faith in her own abilities, excessively sensitising to the public opinion. In the life of an adult woman this can result in passivity — not taking activities adequate to her possibilities, the submission to others, sometimes including dysfunctional husband (e.g., using physical and psychological violence towards his wife and/or children, abusing alcohol, or addiction to gambling or the Internet). A religious or social obligation to carry out marital obligations hinders a woman with low self-esteem from courageously defending her own opinion, taking decisions in difficult situations, decisions allowing to restore the woman herself as well as the members of her family's physical and mental health, and in the longer term — let her derive satisfaction from performing developmental tasks of the adult phase of life;
  - inability to cope with stress, which is reflected in the tendency to perceive and evaluate new phenomena, changing circumstances, primarily as stressful, and not, for example, as positive or neutral from the viewpoint of the current life situation of the woman. The perception of changes as stressful is not, however, a decisive factor in the process of dealing with them. Coping methods depend on whether or not a new phenomenon in the subjective assessment seems harmful — a loss, a threat, which is nothing but an anticipation of harm — or as a challenge.<sup>11</sup> Each of the foregoing ways of assessment triggers other coping resources. The first two are conducive to building up anxiety, fear, anticipation of failure, defeats which can lead to passivity, isolation and withdrawal from difficult situations, and the last mode of assessment favours taking by the woman remedial measures towards solving specific problems or difficulties;
  - views on femininity and masculinity promoted in the media, where viewers may come across a lack of respect for women's role as wives and mothers.

So what can a woman do when she wishes to become consciously involved in her own personal development during the early adulthood period?

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<sup>11</sup> J. TERELAK: *Psychologia stresu*. Bydgoszcz 2001.

1. Boldly achieve independence, strive for self-determination, without prejudice to closer ties intimate in marriage or to closeness with children.
2. Make choices and life decisions with regard to the future-oriented perspective. She cannot focus on here and now without anticipating the consequences of her current decisions for her personal development and the position of her loved ones in the future.
3. Develop sensitivity to the needs of others. Early adulthood undoubtedly favours focusing on personal development, which is connected with undertaking novel roles. But it is important to remain sensitive to the needs and expectations of others. A lot of women in early adulthood continue to obtain education, which requires from family members an adjustment to the way of life of their wife and mother. The woman should appreciate the effort of her loved ones in promoting her development and taking over the duties which she cannot perform during that time. It is worth for her to get involved as well — within her time restrictions — in helping the close ones in their development.
4. Reflect critically on stereotypical perceptions of the differences between the man and woman, among other things, in terms of marital and parental roles, and look for information that would help in establishing such a perception and assessment of these roles, so that it becomes possible to achieve a sense of fulfilment in their performance, taking also into account the benefits for the other members of the family. These benefits will depend on the marriage pattern adopted by the spouses. In the scheme of *friendship* traditional roles are maintained, the obligation to cultivate love lies with the woman, the man develops personal interests, the relationship is stable. In the scheme of *independence* each of the spouses focuses on personal development, strives for autonomy, no one is responsible for maintaining the relationship that is unstable. In the model of *interdependence* personal development of spouses is possible, both are responsible for maintaining the relationship, the couple cooperate with each other, the relationship is stable.<sup>12</sup>

Only the last of the described models gives a chance for the full development of each of the spouses, for mutual enrichment, respect and generous sharing of common goods.

Adulthood — according to E. Erikson, a period between 26 and 40 years of age (in Polish developmental psychology it is the first half of the period of middle adulthood that begins at 30/35 years of age<sup>13</sup>) — is

<sup>12</sup> F. M. CANCIAN, quoted after L. BRANNON: *Psychologia rodzaju. Kobiety i mężczyźni: podobni czy różni*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2002, p. 293.

<sup>13</sup> A. BRZEZIŃSKA (ed.): *Psychologiczne portrety człowieka. Praktyczna psychologia rozwojowa*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2005, p. 9.

mainly characterized by resourcefulness and creativity. This is the time of professional promotions, achieving a high level of professional maturity, running a household, time of taking care about the fate of the child or children, of social and civic activities, and supporting the elderly in their struggle with the challenges and difficulties of everyday life. It is also a period of stabilization of the marital and family situation of many spouses. Stable relationships are characterized in that that three elements highlighted by Robert Sternberg of tripartite theory of love are present in them: closeness, passion, and commitment.<sup>14</sup> These three elements make love of the spouses fulfilled. Furthermore, lasting relationships are characterized by a consensus of attitudes and value systems of both. For most women the benefits from performing many roles outweigh the negative experiences. Women satisfied with their marriage attain a higher level of life satisfaction and happiness. In the adult stage of life, however, stagnation may occur as a result of acquiring the conviction that little has been left to achieve, that many things cannot be changed.

What risk factors for the development of femininity may occur in the phase of adulthood? The following are noteworthy:

1. Inability to combine the tasks associated with many roles. A multitude of tasks, although they are frequently carried out in a habitual, efficient manner, they are, however, conducive to building up a sense of fatigue, not fulfilling the tasks, the sense of time passing too quickly.
2. Difficulties at work that may result from the rapid pace of change, the need to carry out new tasks, or even professional reorientation caused by the danger of unemployment.
3. Problem behaviours of children, usually adolescent by that time, and therefore striving for independence, which she is not always able to understand and accept. Sometimes children suffer from poor health — both in the physical and mental sphere — or struggle with different kinds of addictions. These problems require maternal vigilance, tact, discreet kind of attentiveness and directing the child. Inability to cope with new challenges may pave the way for the strengthening the conviction of failure in the maternal role, failure in bringing up children.
4. Inability to cope with frustration, which can lead to disturbances in the area of physical and mental health, deterioration of relations in the system of marriage and family, in the work environment, lower frequency of contacts with friends, escalation of the feeling of being misunderstood.

The effort of development in the aforementioned phase of adulthood requires from the woman:

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<sup>14</sup> F. M. CANCIAN, quoted after L. BRANNON: *Psychologia rodzaju...*, p. 293.

1. Reorganizing in terms of setting priorities. It is important for a woman to find and engage in the activities which can be a source of energy and positive experiences. Actions performed with passion, requiring “immersion” and devotion to them are of greatest significance — regardless of what areas they concern.
2. Harmonious planning and implementing of personal, community and professional goals. It may become necessary to develop such a transactional model in the family, according to which the household will be gaining when members of the same household specialize in their duties and exchange with one another tasks planned for implementation. The community will work effectively when the spouses — as well as children or other persons living together — undertake the implementation of these tasks, which bring maximum benefits to the whole community;<sup>15</sup>
3. Seeking social support in dealing with problems. It is extremely important for a woman to have the opportunity to benefit from wise, benevolent support — both non-professional (it can be given by a trusted person in the family or outside the family circle) and professional — in overcoming certain difficulties. A husband could play a very beneficial role in the process of support. A frequently encountered problem in the situation of a woman who comes for the advice of a specialist — for example, to a family counsellor in the family life counselling centre — is the difficulty to persuade the husband to participate in such a meeting; the husband treats the wife as a delegate for the treatment, the only family member in need of assistance.

The main developmental task of maturity — the last phase of development in the concept of E. Erikson (starting at the age of 40, and according to Polish periodization of development this is the second half of the period of middle adulthood and late adulthood — over 60/65 years<sup>16</sup>) — is to achieve ego integrity, that is, life wisdom. In this phase some people rise to the top of personal maturity called by Professor Kazimierz Dąbrowski — the creator of the theory of “positive disintegration” — a form of secondary integration. A person at this level experiences secondary harmonization after passing through phases of breakdown and internal and external hardships. They stand as an autonomous, genuine, responsible individual, aware of their own identity, empathic, having shaped interests and abilities, implementing both their personal passions and being able

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<sup>15</sup> Blau and Ferber 1986, following A. DIJKSTRA, J. PLANTEGA: *Ekonomia i płęć. Pozycja zawodowa kobiet w Unii Europejskiej*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2003, pp. 47—49.

<sup>16</sup> A. BRZEZIŃSKA (ed.), *Psychologiczne portrety człowieka. Praktyczna psychologia rozwojowa*. Gdańsk: Gdańskie Wydawnictwo Psychologiczne, 2005, p. 9.

to establish rewarding relationships with others, accepting their own lives, targeting energy on new roles.<sup>17</sup>

This period may also contribute to the woman's despair due to:

- lack of personality integration resulting in an inability to deal with the losses arising out of the loss of valued relationships — with a spouse, generational family, children;
- changes in relationships with others arising, for example, from children leaving home and that may predispose the empty nest syndrome, or from ceasing to work professionally;
- lack of achievements in life, a negative balance of life;
- health disorders implied by, for example, hormonal changes (menopause);
- persistent inability to cope with stress;
- negative — defensive or hostile — attitude towards her own old age;
- limited access to health care;
- lack of acceptance of the final phase of life.

Taking up by the woman an effort to develop herself in the mature stage of life requires:

- adopting of a positive, constructive attitude towards the process of internal and external changes;
- treating oneself with small and larger pleasures, enjoying life;
- getting interested in the outside changes;
- taking measures to promote health;
- surviving mourning and reorganizing life after the loss of close ties;
- reasonable time management through various forms of activity, for example, building relationships with others, especially with younger people, for instance, grandchildren, engaging in religious activity, in helping others, attending classes at the University of the Third Age.

The path towards a mature personality usually goes through a series of various traumatic experiences. Unfortunately, not all women find themselves on this difficult way of life. It happens that painful experiences are an obstacle, sometimes insurmountable by a woman struggling with them. They can result in impaired mental and somatic health. Moreover, a woman can suffer from different personality disorders that prevent her from taking and fulfilling daily tasks in different areas of her activity. Among personality and mental disorders most frequently occurring among women compared with men, the following are observed:

- a dependent personality characterized by passive subordination to the environment, passive reliance on others and shifting one's own responsibilities for life decisions to them, an excessive fear of abandonment

<sup>17</sup> K. DĄBROWSKI: *Trud istnienia...*, pp. 60—111.

by the close ones and loneliness, a sense of insecurity, helplessness, powerlessness, incompetence, submission to wishes and needs of other people, avoiding difficulties and withdrawing from already made decisions and commitments, low activity, lack of initiative and independence, fatigue, low levels of coping with everyday life difficulties and experiencing frequent frustration;

- an emotionally unstable personality characterized by a tendency to impulsive actions, uncontrolled emotional outbursts, an argumentative, volatile and unpredictable mood occurring regardless of the circumstances;
- the histrionic personality disorder — manifested by shallowness, theatricality of feelings, exaggeration in emotional expression, rapid mood swings, outbursts of anger, a tendency to dramatize, a selfish attitude in relationships with others and the need for strong excitement and novelty;
- an immature personality, whose characteristics may occur in different spheres: in the emotional sphere the following are noticeable: lack of ability to love, to open up to others, lack of empathy, subordination of the intellect to the impulses coming from the primary excitement, a desire for immediate gratification, a sense of entitlement to express emotions openly, inability to achieve emotional balance, a tendency to fantasize, childishness; in the sphere of social and moral development self-centeredness is observed, disregard for the principles and rules of conduct in social relations, a tendency to use lies, to laziness; in the sphere of attitudes towards responsibilities a preference for ludic life style dominates, lack of compliance with the commitments made, such as, for example, lack of care to secure the closed ones' physical and psychological safety and basics of material existence;
- agoraphobia — fear of open spaces, crowds, where it is not possible to get help quickly and from which it is difficult to retreat;
- depression, where core symptoms include — marked loss of interest or pleasure in activities that are normally pleasurable, lack of emotional reactions to events or activities, apathy and low energy levels, feelings of helplessness and guilt, loneliness or withdrawing from friends and family, sleep disturbances, psychomotor retardation or agitation, loss of appetite, weight loss, loss of libido, suicidal thoughts and feelings;
- neuroses — mental disorders of a varying syndrome of symptoms, the image of which is composed of: somatic disorders (e.g., of sensory systems, headaches, breathing difficulties, sexual disorders), cognitive disorders (e.g., motor and thinking obsessions, difficulty concentrating, emotional disorders (unspecified unrest, sudden bouts of anxiety, apathy, lack of motivation, irritability, insomnia, inability to experience pleasure).



The aforementioned disorders not only result in difficulty or even impossibility of carrying out various tasks by the woman, but also create a lot of problems for the people with whom she is in a close relationship. It happens that these people, despite experiencing discomfort in relations with a woman with disturbed health or abnormal personality, try to make their best to fulfil their duties and at the same time to help the woman. Sometimes, however, these people — husband, children, other loved ones — are helpless when faced with a difficult situation it puts the entire family in and, as a result, they are compelled to leave the woman.

However, if we venture to assume a positive vision of the woman's personal development, and it is (statistically) reasonable, it should be expected that at some point in life she will be able to achieve harmony with herself and others, experience a sense of fulfilment, satisfaction that comes along with it and from implementing acknowledged moral values, from the opportunity to develop personal talents and exploring them with others, from an optimistic attitude towards life, from the ability to forgive mistakes of herself and of others, from effective coping with difficulties and adversities that life brings. Yet, no woman lives in a social vacuum. It will be easier for her to follow the path of development, when she receives support from the people in her family and professional circles, and from friends. It is important that this support takes the form of benevolent interest, understanding needs signalled by the woman, respecting her dignity. Appreciation by others of the woman's effort, both in her personal development as well as in actions for others, plays an important role in the process of becoming a woman.

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STANISŁAWA MIELIMĄKA, MICHAŁ MIELIMĄKA

## The Challenges of Becoming a Woman

### Summary

Reflections on the challenges of development of the woman's personality have been included in this article. The contemporary model that differentiates sex and gender has been described. Some doubts about the validity of this model have been clearly voiced. In the process of acquiring abilities to cope with various challenges in the life of a woman, the role of integration and disintegration processes has been underlined. This development has been described using phases introduced by E. Erickson (including tasks and developmental crises characteristic for this model). In each phase coping strategies available for a woman to undertake while dealing with everyday tasks have been described. Sometimes the disturbances in personality or psychiatric disorders impede or even block the realization of developmental tasks in the adult life. A brief description of the disturbances that have higher prevalence in women has been provided. In the last part of the article characteristics of a woman with mature personality have been outlined and discussed.

STANISŁAWA MIELIMĄKA, MICHAŁ MIELIMĄKA

## Les défis de devenir une femme

### Résumé

L'article constitue une réflexion sur la difficulté du développement de la personnalité féminine. On commence par la différenciation de notions actuellement propagée: sexe (*sex*) et genre (*gender*) en signalant les doutes quant à la justesse de cette différenciation-là. Dans le procédé où la femme acquiert — aux étapes subséquentes de sa vie — les traits qui sont typiques d'elle, on a souligné le rôle des processus d'intégration et de désintégration dans son développement personnel. On a décrit ce développement à l'aide des phases distinguées par E. Erikson, y compris les tâches et les crises développementales qui sont caractéristiques d'elle. Dans chacune des phases, on a indiqué des activités que la femme peut entreprendre dans le but de surmonter les difficultés rencontrées dans

la réalisation des devoirs quotidiens. Il arrive que certains troubles de la personnalité ou ceux concernant la santé psychique perturbent ou même empêchent la réalisation des tâches développementales à l'âge adulte. On a démontré et brièvement décrit ces troubles qui apparaissent plus souvent chez les femmes par rapport aux hommes. Dans la partie finale, on a esquissé la silhouette de la femme ayant une personnalité mature.

**Mots clés:** femme, difficulté, phases et risques développementaux, personnalité mature et perturbée

STANISŁAWA MIELIMĄKA, MICHAŁ MIELIMĄKA

## Le sfide del diventare donna

### Sommario

L'articolo è un tentativo di riflessione sulla difficoltà dello sviluppo della personalità femminile. Inizia dalla distinzione, promossa nei tempi contemporanei, dei concetti di sesso (*sex*) e genere (*gender*) con la segnalazione dei dubbi sulla fondatezza di tale distinzione. Nell'acquisizione da parte della donna delle caratteristiche a lei proprie nelle fasi successive della vita è stato sottolineato il ruolo dei processi integrativi e disintegrativi nello sviluppo personale. Tale sviluppo è stato descritto con le fasi individuate da E. Erikson con i compiti e le crisi evolutive caratteristici dello stesso. In ciascuna fase sono state indicate le attività che può intraprendere una donna per superare le difficoltà incontrate nello svolgimento dei compiti quotidiani. Talvolta succede che alcuni disturbi della personalità o disturbi della salute mentale interferiscono o addirittura impediscono la realizzazione dei compiti evolutivi nell'età adulta. Sono stati indicati e descritti brevemente i disturbi che si verificano più frequentemente nelle donne rispetto agli uomini. Nella conclusione è stato tracciato il profilo di una donna dalla personalità matura.

**Parole chiave:** donna, difficoltà, fasi e rischio dello sviluppo, personalità disturbata e matura



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## The Ethos of Education and the Ethos of Christianity

**Keywords:** education, transcendental dimension, humanity, Christianity, Greek philosophy

### Introduction

Education comes from the philosophical concept of the human being. The unveiling of the truth about the human being is not an abstract issue, but today it is mainly motivated by the protection of endangered humanity. As a result of globalisation we talk about humanity in its entirety. Any global consequences are brought about by local activities, which points to the area of education. Education has to lead to the responsible relationship to being itself, but this very responsibility cannot be directed solely at the human being, but it is given by what extends *sub specie aeternitatis*. We think about education in time in which we repeatedly doubt it in a radical way, the very foundation of biblical tradition and metaphysics. The transcendence which guarantees the inner continuity, source, and aim for the flow of phenomena is also challenged.<sup>1</sup> It is therefore needed to look in more detail to the subject of doubt.

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<sup>1</sup> M. VALČO: *Communism as a Christian heresy: A false (and failed) prophecy of an ideology*. Proceedings of 26th SVU World Congress of the Czechoslovak Society of Arts and Sciences: SVU and its role in the era of globalisation: trans-Atlantic collaboration, innovation and preservation. University in Žilina, Žilina 2012, pp. 448—462.

## The beginnings of philosophical reflection on education

The Greeks open the issue of education with the respect of the world and human society. The uncovering of objective norms brings the Greeks to the understanding of nature. Subsequent generations consider Homer as the educator of Greeks who explains the human acting in connection to superhuman agents. In a mythical way he explains the place of the person in the world in the cosmos whose order was interrupted by human — the kidnapping of Helen. It is becoming clear that educational effort — *paideia*<sup>2</sup> — cannot be restricted to the early period of life. The *areté* is getting to the middle of the educational effort, which has the origin in the education of chivalric nobility to bravery, but Hesiod points out the silent bravery of working man. *Areté*, in turn, is the ability of proper acting, it is related to spiritual characteristics but also to physical one of a fighter, needed for the protection of home(land), that is, the community.<sup>3</sup> Speaking anachronistically, the sophists may be connected with Homer who, at the same time, removes transcendent focus of education. Protagoras claims about the gods that we cannot even know if they exist or not. The sophists focused only on the humans, they taught political *areté* and they also created such terms as upbringing and culture. Humanist thoughts of the sophists have been of major influence for the New Age humanism. The humanist ideal was not represented only in sophistic interpretation. The above-mentioned sophistic depiction of *paideia* from the point of view of the most famous group of thinkers, from the point of view of Socrates, Plato, and Aristotle, is viewed as degradation. It is clear that not only the sophists contributed to the degradation of education process of shadow affairs. The course of degradation of W. Jaeger is represented in the works of great masters of ancient tragedy (Aeschylus, Sophocles, and Euripides).<sup>4</sup> The religious tradition of the nation had been gradually changing into the pragmatic thought of culture where the human himself became the measure of all things. The concept of educational ideal is known at least from the time of Homer. The admiration of an ideal attracts the followers. The ideal has the normative character of individual education so as the law in the society which is according to Protagoras similar to the line used as the

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<sup>2</sup> The term *paidea* was not invented by Homer. It appears in the 5th century BC. Firstly, it was understood as upbringing of children, but later was connected to “life philosophy.” We can translate it as upbringing, education, civilisation, culture, tradition, literature, but for correct understanding of the term’s importance W. Jaeger recommends looking into unifying those aspects. Cf. W. JAEGER: *Paideia I*. Warszawa 1964, pp. 17—32.

<sup>3</sup> A. MACINTYRE: *Dziedzictwo cnoty*. Warszawa 1996, p. 229.

<sup>4</sup> W. JAEGER: *Humanizm i teologia*. Warszawa 1957, pp. 41—42.

help for writing.<sup>5</sup> The role of law is to adjust the maladjusted members of the community. Nobody can break from the fundamentals of justice without a punishment; the Greek goddess Dike is a powerful deity, the world law is leaning to the divine. Callicles considers education as the chain by which the human is shackled.<sup>6</sup> *Nomos* and *fyzis* stand in opposite to each other. There are two possibilities before the Greeks — the state law as the highest law of human behaviour is in harmony with divine order, or the state law contests the norms that are established by divinity. While considering those possibilities, the sophists overlooked the reality that is pointed out by, among others, Radim Palouš, namely, that the *polis* is of divine nature.<sup>7</sup>

Naturalism which challenges the norms of authority is noticeable also in Antiphon, according to whom, the justice does not infringe the laws of states in which we live. We distinguish the law created on the basis of natural law and artificial law. Man-made laws are relative.<sup>8</sup> In the effort of the sophists, the aim is not visible which would lead to the certainty of the most important questions of religion, morals, and education, as the metaphysical evidence is missing. They are not providing the most important justification and so the inner certainty of education's aim. Not until Socrates and Plato did anyone provide a fundamental support to education ideal, and so that they can return to the thoughts which were before this ideal.

## *Paideia* of Socrates, Plato, and Aristotle

Socrates feels the transcendent calling of a person to a journey of existence. The education focuses on the loving of truth, while he calls back to divine inspiration. He comes closer to the problem of education similarly as the sophists but, at the same time, he reflects it as a whole. Without the answer to the question what is the aim of life, the education is not possible.<sup>9</sup> Unlike the sophists, Socrates brings the moral problem in life of an individual is getting to the front, it is pushed back by the sophists. His education activity is focused on social life — on politics, but he himself does not assume a political position. Socrates teaches to take

<sup>5</sup> PLATÓN: *Protagoras*. Praha 1992, 326 c—d.

<sup>6</sup> PLATÓN: *Gorgias*. Praha 1992, 483e—484b.

<sup>7</sup> R. PALOÚŠ: *Čas výchovy*. Praha 1991, p. 53.

<sup>8</sup> K. POPPER: *Otevřená společnost a její nepřítelé*. Oikoymenh, Praha 1994, p. 70.

<sup>9</sup> W. JAEGER: *Paideia II*. Warszawa 1964, p. 96.

care of oneself and one's soul. The dialogue is the method of acting right where the knowledge is the basis. The participants of dialogue are confronted with the task to look for *logos*. The elusiveness of *logos* leads the human to modesty, to considering the superiority of divine *Logos* while it is the human who creates his own "I". Here, reigning over oneself is shown as very important and it shows the freedom of humanity. The self-control brings freeing under the animal part of human's nature and it is the basis of virtue. It accentuates the power of unity of *areté* in different moral situations.

Having said that, it is clear that understanding of autonomy by Socrates does not reject the higher law but rather predicts it. It points out the cooperation of *polis* members modelled on the cooperation of organs inside the human body. Education must be grounded in absolute ethical norms originating from God, who is different from gods in which the Socrates' fellow-citizens believed.<sup>10</sup> Socrates' educational activities he considered caring for the soul where the voice of god echoes, are interconnected with the process of making the concept of god better understood.

Universally accepted *arché* of European education is Plato's concept which is explicitly stated in *The Republic*, where he likens the situation of a human being to imprisonment in a cave. Palouš explains this concept by pointing out to another metaphor.<sup>11</sup> According to Palouš, education is like teaching to swim a person who resembles a fish immersed in an ocean that cannot leave it by their own effort. *Paideia* represents the orientation towards what is "superhuman." It is the representation of the current human condition. In Plato's education effort, the relationship to the Truth is important. In *Phaedrus* he claims that the soul cannot become human without contemplation. In *The Republic*, in turn, we come to the understanding that the human chooses his or her destiny. The virtue of human being is connected with their free will. Plato, with help of the *logos* and myths, brings the person to the Truth, without which the education cannot be envisioned.

Also Aristotle considers the soul, but the emphasis of his investigations of human life creation is shifted from agathology to ontology. Aristotle's education is similar to education effort of his famous predecessors, which means it is connected to the truth more powerful than its reversal. Socrates and Aristotle have different approaches to rhetoric but they both believe that for a real speaker the speech should be subordinated to the truth. Socrates refuses to utter any blandishments even if eventually

<sup>10</sup> PLATÓN: *Obrana Sokratova*. Bratislava 1990, 24b; cf. XENOFÓN: *Spomienky na Sokrata*. Bratislava 1970, I.1, p. 9.

<sup>11</sup> R. PALOUŠ: *K filozofii výchovy*. Praha 1991, p. 46.



it costs him life. The human being has to care not only that he or she appears as good but also that he or she should really be good in public and private life. Aristotle does not accept common reality as people drowned in everyday sorrows. His transcendence has different nature; it is recognizing of localisation of common things in what is general.

Believing in Olympian gods could not explain the natural phenomena but nor it was enough for thinking and moral feeling.<sup>12</sup> Socrates, Plato, and Aristotle believed that god is the highest principle of social and natural order to which they come closer by rational reflection. The God in Greek thinking is the problem. His characteristics are that God is the living and immortal being that was closer to the human than to the world.<sup>13</sup> With Plato the idea of Goodness could correspond with our idea of God, but Goodness is the more intelligible cause, so it is more an inanimate thing than the person. Gods are subjected to Moire. The human soul is god and education effort really rests on religious recall of soul to its own godlikeness. Aristotle connects the first philosophical principle with the notion of god, but Aristotle's god did not create the world, he was merely a prime mover.<sup>14</sup> The soul according to Aristotle is not a god but the form but it possesses something divine — the intellect.<sup>15</sup> According to him, god is in heaven and people have to take care of the world and, based on this assumption, he creates the ethical advice for his son. Plato claims that god is the range of all things.<sup>16</sup> *Paideia* leans towards god, as the highest norm and virtue are synonymous with god.<sup>17</sup> In the midst of the crisis of the Greek ideal of culture, the theology is born, and it fulfils the tasks put forward by humanism. However, the rational appeal to the supernatural source does not secure the right behaviour of man. Plato's effort for perfect organisation of life conceals the danger of totality in it. However, according to Karl Popper, the Platon's totalitarianism is honest, because he was not motivated by exploitation but rather stability of the whole.<sup>18</sup>

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<sup>12</sup> A. SCHWEITZER: *Kultúra a etika*. Bratislava 1986, p. 135.

<sup>13</sup> E. GILSON: *Bůh a filosofie*. Praha 1994, pp. 16—17.

<sup>14</sup> ARISTOTELES: *Metafyzika*. In: *Od Aristotela po Plotina*. Bratislava 1972, XII.7.

<sup>15</sup> ARISTOTELES: *Etika Nikomachova*. Praha 1996, X.7.1177b 30.

<sup>16</sup> PLATÓN: *Zákony*. Praha 1997, IV, 716c.

<sup>17</sup> PLATÓN: *Thaitethos*. Praha 1996, 176b.

<sup>18</sup> K. POPPER: *Otevřená společnost a její nepřátelé*. Praha 1994, p. 102.

## The Christian education

Plato's *paideia*, which precedes our world of freedom and responsibility, shows that real humanism reflects the whole and limits and that freedom is not absolute arbitrariness and divinity but it is the journey to something divine. The philosophy as love of wisdom constitutes a preparation for Christianity. The human in Judeo-Christian tradition is created by God and called to develop his talents. Adam and Eve, even after the Fall, are not rejected by God but they are sent on an arduous journey that leads to the Kingdom of God. God leads people, educates them and calls to right meaning of existence. The education is a holy thing. The Church as new kind of human society comes to Greeks in a moment when the idea of *polis* undergoes a crisis. The education is not practiced by obtaining new knowledge, but by following, by self-devoting and self-giving. The Greek understanding of human in body-and-soul dialectics is different from the overall biblical understanding of the person in its intimacy and integrity. The human is created in the image of God. The authentic example of human is Jesus Christ. The Spirit — *pneuma* or Hebrew *Ruach* shows dialectics of outer and inner life. The heart is the place where the human being meets with God. The body is not a prison but it possesses great dignity and it shall be resurrected. God created the corporeality by free will and God's Son assumed this body. Behaviour of people, over the course of history may be divided into two categories — the category of sinner and to the category of born-again person. It is only possible to speak about human relationship to God. The biblical anthropomorphism has an educational aim. The human being is connected to God as to the Creator, he or she depends on Him. The human has the law of obedience in his heart so in his consciousness. This obedience is possible only in freedom, which means that the human is an autonomous creature.<sup>19</sup> The human is a social being. The sex difference is ideal for life in the society based on love. God makes a contract with people and compares it to an engagement. The relationship between God and human is analogical to the relationship of father and son. God makes human, the master of nature, but this divine goal is attained by the Christ. Human work is the fulfilment of divine will. Christ is the exemplary person. The person is oriented towards others — to the Other (meaning God) — and so he is more himself, as more he is someone else by God. Divine picture of a human being is destroyed by the Original Sin and God wants to remedy this destruction by the long

<sup>19</sup> Cf. K. TARNOWSKI: *Wiara i myślenie*. Kraków 1999, p. 36.

journey of education while he reflects His freedom. One is a human by overcoming oneself. The main idea of Christian education is divination, which means mysterious “share” in God’s nature.<sup>20</sup> Divination does not mean the destruction of man but individual fulfilment and the situation in which the human is not identified with God but he or she is getting closer to Him.<sup>21</sup>

The existence of Jesus Christ impacts the entire human race. The Christian education does not become universal by abstraction but by “bringing unity to all things in heaven and on earth under Christ” (Eph. 1:10). The ideal which was stated by creation cannot be obtained and it is also impossible to go into the direction of it. From now on, the person has to go from a destroyed state where he is the sinner to ideal image of God’s servant. Here, the sense of education is completely unveiled. The Messiah is not superhuman, but the Lamb of God (*Agnus Dei*) who “takes away the sins of the world” and who leads His brothers and sisters. Jesus humbled himself and was obedient until the death.

The proclamation of the Gospel was not thwarted by the Dead Sea. The world was united by Greek culture in the time of spreading the Gospel. Even Jews were Hellenised to some extent, and it did not concern only the diaspora. Similarly, as diverse philosophical schools and announcers of Gospel promised fuller life and appealed to the Master who was not only unveiling the truth but mainly was the truth Himself. They used philosophy in which they saw the perfect tool as the god of philosophers was different from Olympian gods. Clement of Rome reacts, in his letter to Christians in Corinth, to some disorder in the church of Corinth and indicates (similarly to Plato and St. Paul) the mess in space, in Roman army, and in a human body pointing to Peter and Paul as the symbols of obedience, and to Jesus Christ as the perfect symbol. Pope Clement himself marks his letter as an act of Christian education, which is understood as cleansing of a sinner.<sup>22</sup>

*The Dialogue with Trypho* testifies that proclaimers of Gospel tried to find the common ground with people with whom they were in dialogue. Its author, St. Justin (Martyr) sees as the common ground philosophy and culture. Even among Jews, there were religious groups which could have been understood as philosophical schools (Flavius Josephus, Philo of Alexandria), while he thought of individual actor leaned to Revelation.

<sup>20</sup> Cf. D. OKO: *Laska i wolność*. Kraków 1997, pp. 86—87.

<sup>21</sup> Cf. O. CHISTYAKOVA: *Rationalization of Contemporary Culture and Education in the Context of Religious Resistance to Violence*. In: International Conference on Arts, Design and Contemporary Education (ICADCE 2016). Available at: <http://www.atlantis-press.com/php/pub.php?publication=icadce-16>. Accessed 25.01.2017.

<sup>22</sup> W. JAEGER: *Wczesne chrześcijaństwo i grecka paideia*. Bydgoszcz 1997, p. 39.

So it is not only about searching the truth, but also about acceptance of certain truth. Thinking about God without certain anthropomorphism is impossible. We have to start off with our experience and we do not have other than human. By the way of rational reflection, the great representatives of Greek thought clarified the religious thinking and the first Christian thinkers from Alexandria followed suit.

Clement of Alexandria draws on Socrates and the ideas stemming from Greek *paideia*. In his work *Paedagogus* he presents Christ in a position of the divine educator who overrules everything. Clement of Alexandria oscillates between accepting and refusing the philosophy which he appreciates because it provides the sign of truth, but according to him, it was stolen from Jewish culture, and he also compares Plato to Moses. He claims that philosophy is *propaideia* as a result of human work and real *paideia* comes from God.<sup>23</sup> The most important task in the life of the human is recognition of God, and so he calls a believer the gnostic. God is *the Absolut, the Creator, Demiurgos, Pantokrator* and Christ is *Logos, Kirios*. He speaks about the assumption that maybe Plato knew that God is the only one (*Phaedrus* 272c). He appreciates abstinence, but the greater importance is given to doing good where human loses his negative sides. Clement of Alexandria compares the Greek philosophy to nuts that we first have to crush in order to get to a seed.

The ethnocentrism of Jews and Greeks is rejected in Christian thinking. Saint Paul comes to Athens and St. Peter enters the house of uncircumcised man. The vision of education brings people to the Word thanks to the universalism of Christianity. Origen of Alexandria brings a new Christian view of cosmology in which the creation of the world happens *ex nihilo*. In the confrontation with Manichaeism and Gnosticism, Christian thinking must defend quote of the Creator that all “was good” and also must defend the dignity of a human being which lays in his freedom.

Origen perceives human being as the core of free moral acting. All depends on the human ability to distinguish between the real and ostensible good, between the truth and lie and between being and not being. At that point, the philosophy becomes *paideia*. Thanks to foregoing, Plato became the most important ally of Origen in the war of thoughts happening during the early Christian era. Christ is the God's *Logos*. He comes to the world as a result of the divine initiative and not as the result of human effort.<sup>24</sup> Origen discards totalitarian features of Plato's upbringing and dividing society because Christ takes care not only of the chosen Jews and educated Greeks but instead cares for all the people. You do not need

<sup>23</sup> KLEMENS ALEKSANDRYJSKI: *Kobierce*. Warszawa 1994, I, 20.

<sup>24</sup> ORIGENES: *Przeciw Celssowi*. Warszawa, 1986, p. 162.

only knowledge for acting right but God's grace is necessary. The arrival of Christ is evaluated by the world as the heyday of God's educational effort, which started by the Fall of Adam. *Paideia* is the consecutive fulfilment of Divine Providence. Gregory of Nyssa sees in Plato's concept of education the structure suitable for the Christian education. *Paideia* gets new content. It retains the philosophical belief that knowing the truth leads to virtuous life. Christian education is the formative process and needs permanent care as for getting the moral life, the grace of God is needed. Evil is blindness of the human being, and so the human being does not choose right. For Gregory of Nyssa, Christ is the Healer.

The focus of Greek *paideia* was limited to the development of this subject but also on the influence of subject to object that fulfilled the function. In this education process along with liberal arts and philosophy, literature (chiefly Homer) played an important role. Gregory of Nyssa gives Bible as *paideia* to Christians who were raised in the classical Greek culture. The education of a Christian is therefore a result of continuous reading of Bible and its aim is the imitation of Christ.<sup>25</sup> Gregory of Nyssa's exegesis assumes that the Holy Scripture has double meaning — historical and educational. Saint Gregory does not use the words “the Messiah says” or “Christ says” when quoting the Bible, but “the Messiah educates us” and “Christ educates us.” This emphasis shows the educational interpretation of the Holy Scripture, which is understood as in its entirety and not as a collection of works by different authors, because as a whole it was inspired by the Holy Spirit. Moses from the Old Testament represents the prototypical human being who lived his life in the community with God. The steep and inaccessible road to Mount Sinai represents the inaccessibility of God's knowledge. We can see Him despite His being invisible. The education of the human being is a pilgrimage which never comes to the end but the search itself fulfils the function and fulfils human being with joy. The movement of soul includes the erotic desire of beauty. The human being created in the image of God has to live in friendship with God. The important educational role is given to the Book of Psalms which cause the level metamorphosis.

The connection between Antiquity and Christianity begot a new culture. We can follow the rules of the new humanism which uses the structure of *paideia* from the letter of St. Basil the Great — *Address to Young Men on the Right Use of Greek Literature*. The first Christian thinkers present Christ only as the Educator and the Teacher. The whole universe, the work of creation and redemption, each person and all the humanity are taking part in the universal process of education which provides redemption to the perfection of a person living with God.

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<sup>25</sup> Cf. W. JAEGER: *Wczesne chrześcijaństwo i grecka paideia*. Bydgoszcz 1997, p. 103.

## Conclusions

Besides the sophists, the Greek education accepts the vertical relationship, but the nature of divinity was very different. The concept of one God has important philosophical and mainly practical implications. God is not anonymous and not personal, but he is the Father. It is a close relative. Both concepts of education strive to fight “the divine feeling of being drowned” in the never-ending chase of something that cannot be attained anyway. They reflect and accept this situation. Contrary to the Christian thought, Greek thought requires the belief in destiny and necessity, which creates final and all-concerning horizon in the background of which the human being understands oneself and the world, which is represented in totalitarian tendencies of Plato’s education. The history is not important for everything is pre-destined. The most significant distinction between the Christian and Greek concept of *paideia* is in the perception of freedom and necessity. Biblical message calls the human being to give the testimony about the hope in another world.<sup>26</sup> The world does not come from the necessity, it is not the cosmic catastrophe but it is the result of the free decision of God. The Christian optimism has its source in the belief that evil in this world does not have the origin in metaphysical ancient principle but that its origin is in free and personal decision of the human being who refused the order of God. Christian *paideia* is the expression of the freedom — free turn to God which is related to faith and love as the answer to the human being and the revelation of the Love and the Truth.<sup>27</sup> The Christian education does not have elite aspect against which even Socrates could not have been immune, but it wants to educate all. The initiative in education belongs to God but human freedom has necessary and irreplaceable role in it, which this education initiative has to answer.

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<sup>27</sup> M. REMBIERZ: “Dom rodzinny jako przestrzeń wychowania intelektualnego — wzrastanie w mądrości, czy utwierdzanie się w dziedzicznych uprzedzeniach i stereotypach?” In: *Jaka rodzina takie społeczeństwo. Wspólnototwórczy wymiar wychowania integralnego*. Ed. M. T. KOZUBEK. Katowice 2012, pp. 225—255.

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PAVOL DANCÁK

## The Ethos of Education and the Ethos of Christianity

### Summary

The aim of the paper is to introduce transcendental dimension as a basic part of the education of a man. Greek thinking about man reaches its peak in conviction that education strive is based in getting as close to gods as possible. If man loses the transcendent dimension, he or she also loses a part of his or her humanity. Christianity brings very important optimism into the area of education, as God is Love and in Jesus Christ man gets another chance. Education understood as *imitatio Christi* contains implicitly this transcendent major.

PAVOL DANCÁK

## L'éthos de l'éducation et celui du christianisme

### Resume

L'objectif de l'article est d'introduire la dimension transcendantale en tant que partie fondamentale de l'éducation de l'homme. La conception grecque sur l'homme atteint son summum dans la conviction que l'effort éducatif tend à s'approcher des dieux le plus près possible. Si l'homme perd sa dimension transcendantale, il perd quelque chose de sa nature humaine. Le christianisme introduit dans la sphère de l'éducation un optimisme important étant donné que Dieu est l'Amour et que c'est grâce à Jésus-Christ que l'homme retrouve un nouvel espoir. La dimension transcendantale est implicitement présente dans l'éducation comprise comme *imitatio christi*.

**Mots clés :** éducation, dimension transcendantale, humanité, christianisme, philosophie grecque

PAVOL DANCÁK

## L'ethos dell'educazione e l'ethos del cristianesimo

### Sommario

Lo scopo dell'articolo è quello di introdurre la dimensione trascendente come parte fondamentale dell'educazione dell'uomo. Il pensiero greco sull'uomo raggiunge il suo apice nella convinzione che lo sforzo educativo mira all'accostamento più vicino possibile agli dei. Se l'uomo perde la dimensione trascendente, perde qualcosa della sua natura umana. Il cristianesimo apporta un ottimismo essenziale nella sfera dell'educazione in quanto Dio è Amore e in Gesù Cristo l'uomo riceve una nuova speranza. La dimensione trascendente è presente implicite nell'educazione intesa come *imitatio Christi*.

**Parole chiave:** educazione, dimensione trascendente, natura umana, cristianesimo, filosofia greca



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## Conditions of an Efficient Dialogue with the Contemporary Youth

**Keywords:** youth, dialogue, dehumanization, interpersonal relations, desacralization

Provokers and “no lifes”: *Loośne Gatki* —  
the youth on online forum

The thesis suggesting that the contemporary youth's life is more and more integrated with the Internet, which, in turn, influences their social functioning, does not seem to require particular substantiation nowadays. Already a decade ago the Internet was a place that made it possible to establish new relationships, exchange opinions on interest forums, and find groups of peers with similar hobbies. However, within the last couple of years it has become the kingdom of social media, or social networking site, where millions of people inform, whoever desires to know, what they had for breakfast, who they started dating, who they broke up with, or what type of music they recently got to like. The phenomenon of *Nasza Klasa* (Our Class) or Facebook may constitute a food for thought for sociological analyses in a great many aspects, be it the propensity for mental and physical exhibitionism, or “transient enthusiasm” for uniting in protest against or in support of various social and legal initiatives, the protests leading to suspension of ratifying ACTA treaty in Poland and elsewhere, to name just one. Therefore, can the Internet constitute the source of answer to the question about the youth of the second decade of the 21st century? Arriving at such a conclusion is not particularly risky. It is

more difficult to decide whether the functioning of the young man in the World Wide Web has a degenerating influence on them or rather rather impacts them positively.

Having one's personal account or a profile on a widely recognizable and available website is not any longer a distinction; it rarely stems from a real necessity, and sometimes even prompts contempt among young people. The Internet, similarly to every substantial any real-life, material society, has its own elite strata, to which a young person, already bored with Facebook, will possibly aspire. Surely, every group concentrated around a given interest portal perceives itself to some degree as an elite. Fans of a given car make, admirers of a "cult" game, collectors of sneakers, or supporters of a given football club — all of them somehow believe they are unique. Sometimes, a view of such an elitism is also shared by people from the out-group, especially when good intentions are not enough to become a member thereof. Those who protest in the streets wearing the Guy Fawkes masks and demanding the protection of liberties in the virtual world, did not automatically become the members of Anonymous, that is, an organization of hackers, the identification symbol of which is the above-mentioned mask. Moreover, there are places which are only ostensibly available, places where everyone can create an account and join a group, however, standing out from a peculiar atmosphere, language, and manner of the "regulars" is quite promptly noticeable. The latter's particular characteristic is that they would not be able to exist outside the Internet and it is precisely the Web that made it possible for them to appear and it maintains their existence. Supporters of Stal Gorzów (football club) or fans of vintage cars are well able to retain their integrity without the Internet. The case with the members of the forum on the website Hip-hop.pl is completely different.

The very portal was launched in the year 2000, according to its authors, with a view to "popularizing the worldview that derives from the culture of Hip-Hop and its tradition." Over the period of 17 years, several hundred thousand users registered on the forum, however, it is impossible to define the precise number, since it happens that one person creates several accounts and despite the fact the administrator aims at curbing such a practice, he cannot have full control over this activity. Nowadays the most active group of users are the young people. In spite of the fact that no statistics are available, based on the statements of the very users, we can assume that the "lower age limit" is junior high school. As for the upper limit — there are not many people that would be over the age of thirty. Therefore, these are students or young people who have just graduated and found jobs. In theory, they all should be fans of rap or/and remaining components the hip-hop culture: dance and graffiti. In prac-

tice, the section of the forum which is most popular is the one that was created for discussion about everything that goes beyond the culture of hip-hop, referred to as *Loošne Gatki* ('loose pants'). The forum's name is a pun coined in a grotesque internet language, the most appropriate rendition of which into regular colloquial language would be 'casual chats'. What can we expect after delving deeper into the Internet exchanges of this platform's users?

After several minutes of browsing through the website, the dominating conclusion is that it constitutes a cluster of users who have particular moral, epistemological, associative preferences, and who are characterized by a lack of ability to express themselves comprehensibly, without making spelling or grammatical mistakes. What support such a theory are several topics found on the main page (original spelling): "I wanted to grab 2 beers, I dronk 12", ANIMALS THAT YOU DON'T GIVE A F\*CK ABOUT", "YOU EVER OFFERED SEX TO YOUR FRIEND OUT OF BOREDOM", "movies with famous actors' dicks [homo]", "Why is Frisky a Whore?!?!?!". Even though vulgar comments, offending other people and not contributing to the discussion are forbidden by the site's rulebook, in practice there is unlimited leeway in this respect. When you go deeper into the discussion and acquaint yourself with the majority of active users and start to understand the contexts and all the mental leaps which are involved there... well, the conclusions might be even more pessimistic. *Loošne Gatki* seems to be a place where juvenile degenerates manifest their personalities and the comments they leave not only push the envelope when it comes to good taste but also go beyond the legal limits. Therefore, even if we equip ourselves with the postulates of anthropological relativism and attempt to explore this community withholding any judgment, as we would while examining a barbaric culture, an epistemological shock is still guaranteed. The vulgar language ceases to shock quite fast. Indeed, in comparison with posting photographs of one's feces or reproductive organs, it is only the lightweight. The majority of users are males and many topics are dedicated to sex. Since, as the users themselves notice, it is not so easy to find a girlfriend and have intercourse with her, the theme of masturbation, raised without any embarrassment, connected with fantasizing with whom and how one would have sex, appears frequently. As we can easily guess, there is more pornography in these descriptions than romantic visions. Tens of topics concern alcohol and these are both disputes over the best kind, quality and brand, as well as descriptions of experiences collected during drinking sprees. Whereas these are usually not relations from any especially important events, they are most often short descriptions of lonely intoxication in front of computer screen and hangover the following day, "drinking to the forum" is

a very popular entertainment among the portal users. Topics concerning drugs also appear, however, we have to acknowledge that such ones are not as popular as the ones dedicated to alcohol.

The one who crossed the line between what can still escape the public opinion and what already raises a clamour, is an individual of a great many nicknames, mainly known as Liryczny Wandal and JA-CENTY. His beginnings in the forum date back to the times when he was young and, as one of not so many, revealed his face to other users — the movies in which he appeared and which he uploaded were controversial even for the other users of the forum, who were already known for their perversion. These movies did not only show the behaviour of the main character that qualified for a psychiatric examination, but also included descriptions of his real and imaginary experiences with prostitutes or absurd relations from the alleged rapings that Pope John Paul II did on him. Finally, when he made a series of movies in which he announced his plan to rape his few-years-old sister, the forum exploded. The latter case reverberated loudly in the mass media when the Internet users in large droves started to file complaints about the insane degenerate and of course attracted the interest of the Polish police, but also Irish Garda Síochána, since it turned out that Liryczny Wandal lives with his family in Portlaoise, Ireland. The suspected rapist-pedophile turned out to be a 19-year-old schizophrenic that lived with his parents (Polish immigrants) and did not commit any of the deeds which he announced and, as it seems, did not even have such an intention. So, why did he do it? The very schizophrenia is by no means an explanation here, since it was about something else — the desire to become the “most famous user in the history of the forum.” What does it mean?

In order to understand the specificity of the Hip-Hop.pl forum, as well as similar virtual communities of young people, we need to keep in mind that the bidding principles there are similar to those of every other social group. The young people who meet on the forum are not really some extreme social outcasts, and they can be described by the means of a sociogram to a large extent resembling the one that we can use to describe, for instance, a class in school. Therein, however, three elements differ, are peculiar to the forum, which influences the character of the entire community: the very character of the internet communication restricting “face-to-face” communication, the lack of control or supervision from adults, and anonymity (as the example of Liryczny Wandal proved — only ostensible, when things exceed some, namely legal, borders).

What is the most desired “commodity” on *Loośne Gatki? Beka* (a colloquial expression for laughter, fun, derision). So everything that arouses the interest, most often connected with laughter by the remaining users

of the forum. The one who “delivers *beka*” becomes notable at ones, in turn, gaining recognition, which is quite measurable, since as part of their profiles everyone can “evaluate” other members. The one who awakens interest and acclaim with the topics that he or she establishes/starts, has the chance to become the *fame*. *Fame* is an individual who is highly recognizable, many forum users admit to be friends with him (regardless of whether they have positive or negative opinion about him) and who is believed to be an informal leader. In order to become a *fame* one must simply “deliver *beka*,” however, what is the most appreciated is one’s own original creative method, referred to in the forum as “provocation” or *provo* for short. It might be, e.g. impersonating a girl, however, in this case the falsehood is sensed very fast. What took much longer was a provocation organized by a user known by the nickname GejOkej!, who for long months aroused controversy not so much with his leftist outlooks, but with the descriptions of ever hotter moments from his homosexual, and exposed as false, romance. Someone else got acclaim when he posted information that suggested that a very famous Polish hip-hop artist died in a car crash, which was amplified to such a large extent that the very artist had to deny the information about his death, and the administrator of the Hip-Hop.pl portal once again had to help the police to establish the identity of the provoker.

Liryczny Wandal’s actions were also an instance of provocation and indeed he is so far the only user of *Loośne Gatki* with whom a Polish TV channel has conducted an interview, which, for a short time, hoisted his popularity up. However, on the air he lost a lot of his courage and seemed to behave more like a sick, terrified person, who knows that he went too far and was incapably trying to explain he was sick, took medication and had never wanted to hurt his sister and it all had been a stupid joke. Since proceeding with a police investigation, let alone taking legal action against him, was in this case groundless, Liryczny Wandal did not suffer any legal punishment whatsoever. He was not even prohibited from using a computer and accessing the Internet, due to which he still takes part in the life of the forum, however, we need to underscore that his behaviour also had an opposite result from what he intended. Since what it triggered was a moral mechanism in many users (maybe also a natural reaction to mentally ill people), which helps them delineate the border between “laughter” and an unacceptable action. These users turned away from the provoker, either openly condemning his behaviour, or ignoring and humiliating him. We can say that he would rather not become a sociometric star, although obtaining the result of such a test would undeniably be interesting.

Is there anything that would certify that in *Loośne Gatki* there is more sociological cliché than we can observe at first glance? Indeed, since

resorting only to controversial contents included in this site would also be a manipulation. Let us now choose, similarly as above, some of the topics from the first page of the forum, however, this time not concentrating on topics arousing negative emotions (once again original spelling): “for my brothers abroad”, “IT IS WORTH TO LIVE FOR SUCH MOMENTS”, “Leftists or Rightists”, “New very probable transfers in Wisła Kraków”, “I TOOK AND BROUGHT A HOMELESS DOG A SECOND AGO.” All of them concern what the topic suggests, so there are greetings for Polish immigrants that work in many parts of EU, expressing happiness connected with getting a job, discussion about political views, debates connected with the nuances of the Polish major league or descriptions of home unpleasant consequences of bringing home a stray dog. Obviously, even the most positive topic will not prompt only constructive comments from other users. One way or another, there is not a tad of “sugarcoating” by some linguistic politeness and still the Internet slang may constitute a barrier difficult to overcome by people from the outside. It remains visible, however, that young people want to talk about what they have always wanted to talk about: their experiences and confronting the world of adults, as well as everything else that people would talk about in the past: politics, religion, sport, music, and literature.

It was mentioned that the peculiar features of the public platform which the Internet has become, are anonymity and lack of control or supervision from adults, which can be the reason for both the uncompromising and not caring for political correctness appearances, and which are, in turn, the factors making the creation of provocation possible. What we should add is that the third feature that describes using the Internet — lack of direct interpersonal contact — is strongly connected with a different phenomenon — alienation occurring in the reality. Obviously, it is nothing revolutionary. Psychology and sociology have already observed this phenomenon of wallowing oneself off from the outside world by the means of a computer screen. Are the young users of the Hip-hop.pl portal aware that they are or can be its victims? We can go as far as to say that the community even created a “paradigm” that concerns alienation of young beneficiaries of the information technology boom of the beginning of the 21st century, to whom drawing from this boom brought damage in the form of a new type of social pathology. It is very clear here who has “lost their life” and who is a “no life.” It is an individual who spends most of his free time on the forum and is incapable of refraining from comments even on Friday or Saturday evenings, when it would be right to at least pretend to be in a club with friends. It is also the one who never had a girlfriend, never had sex, does not have many friends and practically does not have a social life. He believes that nobody understands him,

he cannot find a common language with his parents. “No lifes” are perfectly aware that it is an impairment and do not seem to be disabled people stupefied by technology, in whom the Internet and computer games replace reasoning. However, they show features typical for addicted people — there are many proclamations like “I am leaving the forum, from now on I win my life,” which turn out to be a failure as often as with the attempts to overcome different addictions. What does “winning life” mean? First and foremost, exactly leaving the forum, finding a girlfriend, a good job and friends, with whom one would spend time not only on the Internet.

It would be unfair to claim that *Loośne Gatki* is an intellectual gutter and a side-show of deviations, corrupting everyone who takes part in it. What seems more apt is a comparison to a subculture, in which a pathology manifests itself in an exceptionally iconoclastic way, but it does not give basis for claiming that it is of a unique type in itself. Positive attitudes, as well as pertinent commentaries regarding the reality, are also not a rarity there. On the other hand — how different is the desire to be a *fame* from a simple need of social acceptance and how different are provocation and blatant falsehood from a contribution to revealing the truth about the other human being and oneself. *Loośne Gatki* is therefore not an incomprehensible culture that requires attitude in the spirit of cultural relativism, instead it is an uncensored reflection of the way the Polish teenagers sometimes are. What they really think about the world and their situation in it in the times when there are fewer and fewer role models and taboo subjects, and sex, violence, disease and death are filmed by the means of cellphones and uploaded to the media, which are available even to young children.

## Sexting as a sign of dehumanization of interpersonal relations

The cellphone has become an inseparable attribute of a contemporary individual. There is a common belief that having a cellphone brings a sense of freedom, independence and safety, also owning a device of the latest generation, which is the multiple functions of which are constant distraction, is a status marker, as it means keeping up with the trends, having a good job, and supposedly translates into an extensive network of valuable contacts. The cellphone has become, as M. McLuhan would put it “an unwanted guest who is difficult to resist in both time and

space.”<sup>1</sup> Mobile phones are used by almost everyone, from children in kindergartens to seniors. They are a great blessing of our time, but also a serious problem...

It turns out that the multiplicity and diversity of functions offered by the modern mobile phones is not only a determinant of utility, but also a kind of nuisance or even a problem that increases anxiety, especially when we look closer at the dependence between the phone and the behaviour of its owners. Simple calling, texting, answering is not dangerous or harmful in itself, but the compulsive and uncontrollable repetition may, however, significantly disrupt the functioning of an individual. Cesare Guerreschi defines those compulsions as pathological, verging on fetishism. “The attachment to the phone is transformed into something that resembles an emotional connection.”<sup>2</sup> The fact how essential the cellphone has become is most often realized when one cannot use it. The connection between the device and the user often goes beyond the usual interest in the device itself. In a way, all users are dependent on the phone, however, a more serious problem — cellphone dependence syndrome — is decided by the quantitative aspect, determining the time that is spent on using the device. Cellphone dependence syndrome is characterized by: paying a lot of attention to having a phone, not leaving it even for a moment; the phone becomes an intermediary and the most important tool for everyday contact with people; feeling a deep discomfort when not in possession of a charged device, bad mood, anxiety, at times even panic attacks; phone use dictated by emotional and social factors; treating the phone as a tool for continuous control of the loved ones, feeling a constant need to contact someone, impulsively calling someone without a proper reason; justifying your addiction with convenience and safety; nervous monitoring whether someone is calling or not, or carrying spare batteries; feeling the strong need to belong to a group and gain recognition, a form of social phobia or fear of loneliness, avoidance of contact with others, choosing phone calls or texts instead of talking face to face. Honest statements from phone users confirm the mentioned behaviours: “I admit, I am a prisoner of my phone. If I forget to take the phone with me, I have the impression that there was definitely a million people calling me. At the same time, when I do not have my phone with me, I realize how much I am dependent on it” (Technologie, które zniszczyły nasze życie. <http://tech.wp.pl>).

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<sup>1</sup> M. McLuhan: *Zrozumieć media*. Warszawa: Wydawnictwa Naukowo-Techniczne, 2004, p. 351.

<sup>2</sup> C. Guerreschi: *Nowe uzależnienia*. Kraków: Wydawnictwo Salvator, 2006, p. 206.



Regarding the mobile phone dependence syndrome, we can indicate a couple of particular types:

- **texting addiction** is characterized by using the device mainly for texting, feeling the constant need to receive and send text messages — according to a survey conducted in the United States by the Pew Research Center within the Pew Internet and American Life project, girls send or receive an average of 80 texts a day, boys — 30; the situation is similar with Polish youth (Nastolatki wysyłają 100 sms-ów dziennie. <http://tech.wp.pl>). It is also characterized by a specific fingerprint on the thumb, in extreme cases “thumb syndrome,” a condition of thumb ischemia caused by constant texting, wear of the keyboard on the device, mood dependent on the quantity of texts received, sending text messages to oneself (e.g., from a computer) or to people who are physically present around you.

Excessive texting is classified by Jerald Block as one of mental illness of civilization. His theory of mental illness and texting is supported with arguments which state that these people (addicted to texting) could be assigned a couple of important rules. All it takes is to take the phone away from an addicted person and he or she becomes aggressive, restless, distracted or even falls into depression. A perfect example could be children who get cellphones from parents at an early age. Often parents do not notice the fact that children divide toys into the “cooler” and the “less cool” ones, obviously if a child gets its dream toy, the ones it played with earlier are going to be set aside. It is the same with cellphones, children treat them as great fun and cannot cope without them. When it comes to such addictions, adults are no better. According to Block, addiction among adults is not as trivial as with children, namely, adult addicts usually react in an aggressive manner, they want to search for another phone which they could use.<sup>3</sup> The addiction is also connected with the usage of the built-in T9 dictionary, which speeds up the typing process by offering users a ready combination of words they can use. In August 2009, Michael Abramson, an epidemiologist at Monash University in Melbourne, published the results of a survey conducted among 11—14-year-olds according to which, young people become more impulsive, mindless and make more spelling errors than their peers who do not use the T9 dictionary. Abramson also warns that since we are dealing with minds that are still in development, there is a risk that the negative changes will become irreversible. Polish scientists have no doubt about the influence of the T9 dictionary on children as well, they claim that such tools lead to

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<sup>3</sup> J. BLOCK: “Issues for DSM-V: Internet Addiction.” *The American Journal of Psychiatry* 165 (2008), pp. 306—307.

total illiteracy, children and young adults not only write badly, but also speak badly.

- **addiction to new models** is characterized by buying ever-new models of the cellphones/mobile phones;
- **cellphone exhibitionism** is characterized by paying a lot of attention to the colour, style and price when buying a new device, also by showing everyone its functions, having loud conversations on it, allowing it to ring for a longer period of time so that everyone can hear it, carrying the phone in hand with the display active (glowing at night like skylights);
- **gaming addiction** is characterized by displaying excessive interest in mobile phone games, the device becomes a gaming console, frequent playing until the moment when the record is beaten in a given game;
- **“phone turned on” syndrome** characterized by fear of even momentary shutting down of the device, sometimes connected with overcharging the battery;
- **ringxiety** characterized by hearing the ringtone or feeling the vibration which turns out to be just an auditory hallucination. David Laramie, a PhD student at Alliant International University in Los Angeles studied the “phantom” ringtones and noticed that the more one uses a mobile phone, the more often he or she hears them. When he conducted a survey it turned out that 67% of the adults admitted to the telephone phobia. These people pay higher bills, use more subscription minutes and send more texts. They are also more impulsive (BŁOŃSKA, Fantomowe dzwonki telefoniczne. <http://nt.interia.pl>).

Speaking of dangers regarding the use of the cellphone, one should not forget that the device poses one more threat that fills us with particular anxiety and is often aimed at children and youth — cyberbullying.

## A new phenomenon — sexting

The phenomenon of sexting has become more and more popular over the last couple of years. The term means a situation where young people, including those who are less than 15 years old, send around their naked or half-naked pictures using MMS (Multimedia Messaging Service) or upload them to the Internet. The idea itself is not really nothing new. Before the age of the Internet, this phenomenon was known as phone sex. With the development of new technologies, it began to evolve. The precursor of this “trend” (however, in a dynamic version) was Jennifer Ringley, who during her studies began showing her room where a camera was installed

and broadcasted for 24 hours a day, whereas she acted as if she had been alone. Her website in just one week in 1998 was viewed 100 million times.<sup>4</sup> The static variant is simply presenting amateur photos showing a naked body, in other words, sexting. The phenomenon of sexting can be seen in many Western European countries, such as the United Kingdom, France, in the USA and Canada and also in Australia. Young people's dissemination of unambiguously explicit photos with highly sexual content by using cellphones or uploading them on the Internet did not go unnoticed in Poland. In the United Kingdom, the Britain's Child Exploitation and Online Protection Center (CEOP) revealed that among 2,000 questioned people aged 11–18 majority received such texts or emails and approximately 70% knows the sender personally. On the other hand, data from the BeatBullying foundation shows that nearly 40% of them claim to have received a sexually unambiguous text or email. According to a survey conducted among young people in England, 23% of those messages came from a boyfriend or a girlfriend who was in a relationship with the receiver, 45% from friends and 2% from adults (Brytyjska młodzież oszalała na punkcie sextingu. <http://palmtop.pl>).

A 15-year-old Saskia (name changed for the sake of anonymity) called a youth helpline — ChildLine — when her female friend took a picture of her in the changing room. “To me it was just a joke, fun. I asked her to delete this photo, but all she did was laugh and refused to do it. She teased me and said she would post it on the Internet, on MySpace. I tried to take away her phone. In the end we had a fight and she left.” Later, Saskia discovered that the picture indeed was uploaded to MySpace — a social networking site belonging to News Corp — with a comment “she wants it.” Her phone number was placed right next to it, with a comment encouraging men who “want to have fun.” As a result, horrified Saskia received a lot of texts from boys. The therapist from ChildLine advised her to write to MySpace with a request to remove the photo, which they did. “It was a terrible experience. I do not wish this for anyone. Some people may consider it funny, but it is not. It is embarrassing as well as humiliating and it should have never happened” (Niebezpieczne zabawy nastolatków. <http://wiadomosci.onet.pl>). In France, a dedicated telephone line was launched in 2008 where professionals answer questions about the Internet and video games asked by children or parents. About 6% of these conversations are about the consequences of sexting. In one of the French schools, the principal interrupted his students' fun; teenage couples were competing with uploading films made by themselves during their most intimate moments.

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<sup>4</sup> T. BIENIAS: *Internet*. Kraków 1998, p. 79.

In the United States, according to the National Campaign to Support Teen and Unplanned Pregnancy (a national organization for the prevention of teenage and unplanned pregnancy), every fifth teenager admits sending via texts and uploading in the Internet his or her naked pictures and other erotic content. The first known person to experience the tragic effects of sexting was Jessie Logan, a student in her last high school year who sent a naked picture to her boyfriend. After their breakup he distributed Jessie's photo. The girl tried to deal with the bullying she had to incur from her peers, such as being called names or even being ousted from the graduation. She even made an appearance on a TV show, where she warned other teenagers against sending their naked pictures to anyone. The oppression from people she met every day was so difficult for her that Jessie finally decided to do the worst thing possible — on July 3, 2008 at the age of 18 she committed suicide. Whereas 13-year-old Hope Witsell, a student at Beth Shields Middle School in Ruskin, Florida, just before the holiday became the object of cruel mockery at school. Today it remains unknown how the shameful photograph of Hope found its way into the public. Perhaps she sent it to a boy whom she liked. Another rumor is that the picture was uploaded by Hope's jealous friend from her own cellphone. It did not matter for the 13-years-old's surrounding, who in consequence was being harassed, poured with drinks and spat onto. Her friends had to keep her surrounded like a living shield in order to protect her from being called names such as a "whore" or "slut." The girl's trustee was her diary, in which she wrote, trying to convince herself that she was not a whore. However, the stress caused by her unfriendly peers led to the point where she could not stand the humiliation anymore. The doctor who reported death by hanging also diagnosed many signs of self-mutilation (MILEWSKA, Sexting — komórkowe porno nastolatków. <http://www.papilot.pl>).

In 2008, Goshen, Ohio, a 19-year-old cheerleader captain, was convicted on charges of taking obscene photos of her 15-year-old friend and herself. At the same time in Texas, a 13-year-old boy was arrested on suspicion of possessing/being in possession of child pornography after being sent a naked photo of a friend (MURAD, Teen sexting craze leading to child porn arrests in US. <http://technology.timesonline.co.uk>).

Among the recent sexting cases in the USA were three girls from Pennsylvania who have sent their naked pictures to boyfriends. The police said they were 13- to 14-years-old whereas boys were 16- to 17-years-old. All of them were accused of producing child pornography (Sexting shockingly common among teens. <http://www.cbsnews.com>).

The phenomenon of sexting did not bypass Poland. A 16-year-old girl from Oświęcim established contact with a 20-year-old boy. They had

a nice conversation and the teenager trusted the man about whom she knew only that he lived in the vicinity of Kraków. When the virtual boyfriend asked her to take and send him a few naked pictures, she did so promptly. The man almost instantaneously uploaded them on one of the sexual social networks. Information about the pictures quickly reached her schoolmates. Marta learned from the Internet that she appeared in a pornographic video. It was a form of revenge from her ex-boyfriend for leaving him. The video is about two minutes long, and it consists of several scenes. Professional pornographic shots were added to the amateur video, such as close-ups on the sex organs. You can only see Marta's face, not even once, her partner's. A name, last name, study field and email are included in the video. She was getting a few or even a dozen or so offers a day. Emails were mostly in Polish but also in other languages (STASIŃSKA, *Sexting, czyli niebezpieczne zabawy*. <http://partnerstwo.onet.pl>).

A student from a junior high school in Koźmin Wielkopolski recorded a 45-second-long pornographic video with her and a dog in the lead roles. It might have not leaked out if not for the fact that she showed the video to her friends. One of them stole the recording. It is not known how, but the video was uploaded to the Internet and it reached a wide range of viewers, not only the residents of Koźmin. Although the video almost immediately disappeared from the Internet its main character is well known in the area by her name and surname. So there is no end to pointing fingers, calling names or yelling at her. It is difficult to explain the motives which led the girl to make such a video. There can be various hypotheses: It could have been a one-time incident, related to the peer pressure, rivalry among girls, or simply a sexual experiment (KRUPA, *Skandaliczny film pornograficzny czternastolatki z Koźmina*. <http://www.gloswielkopolski.pl>).

## Concluding remarks: Desacralization and dehumanization vs. care for the relationship sphere

Taking into account the aforementioned proliferation of ignorance, general moral downfall and dysfunctionality of human relationships, how can we still communicate with each other so that we are noticed, heard, so that what we are saying is paid a proper attention to? The task in question is certainly difficult, but it is feasible, the more so since the description of the contemporary youth's social milieu seems accurate, as we have to deal with:

- **Desacralization of everyday life**, which I understand as the expulsion of the many elements in daily functioning of the man, which embedded him or her within the sphere of sacrum. Today, it is deliberately “erased,” covered, expelled from the common social space as unwanted, undesired for its cultural correctness. Although this desacralization of everyday life is also connected to the essential elements, namely, the departure from the rhythm of life with the sacraments, practices, which until recently for many were constitutive for their lives. This is especially true for the younger generation who in the moment of accepting the Sacrament of Confirmation rapidly abdicate from the community of the Church. Certainly one of the reasons for this is the fact that we do not find enough communication channels with them, with their world and the way they perceive it. Perhaps for an attentive reader the previous chapters may seem iconoclastic, nevertheless, it is also a world visited by the young, or even a world that enslaved them. In the face of such a world we must find a remedy, neutralize its toxicity to the point where we can defend the young from living in the moral nihilism, abnegation or even pathology. Its (the world’s) interaction vector is aimed towards the maximum incentive to satisfy lusts and passions which, despite their objective existence in humans, are rather to be left dormant than awaken. The sphere of sacrum in a broader sense also includes respect for humanity and everything associated with it, such as respect for the extraordinary human psyche, human corporeality, and the social nature of the man. They also become an artifact of the agenda of the world given to the technology and enslaved in a more or less dynamic way through its dehumanization (Ortega y Gasset, 1947). Sign of this state are illustrated by the content mentioned earlier.

So, how one should act, how to communicate with young people who are (most often) the first victims of both desacralization of everyday life and the dehumanization of interpersonal relations?

First of all: Do not give up the space to the unwanted, undesirable world... it seems that the maxim mentioned numerous times, that “the evil prevails because the good is withdrawing” also has its application here. If the public space is weeded with different images, contents, symbols, which compromise the social majority of the sense of norm, cultural, religious or juridical acceptance, then it is impossible, even in the name of cultural tolerance, to allow the domination of the sensitivity of the majority by the brightest in its usurping minorities! Absolutely, I do not put forward the thesis of not giving the minority the right to be around, but it would be rational to keep the proportion between the two, mutual respect for each other and sensitivity to the feelings of this often ignored majority, based on the principle that “they have everything, it will

not hurt them.” On the other hand, most people neglect to communicate the fact that they too have rights, and even expect that their feelings, emotional state and respect for their values, symbols, sensibilities were taken into account. For if they would not fight for their rights themselves, who would represent them? The problem with the modernity is the situation in which an adult generation has fallen into a self-inflicted axiological nap, having the belief that since we profess good, it shall defend itself. It is not so these days. The fact that you are right and have the arguments supporting your view is not a sufficient defense of it being self-evident. The massive hate, network manipulations and/or usual (unfortunately, in the mediatized reality) repetition of clichés, half-truths or vulgar “fake news” distorts the consciousness of the audience. The earlier subchapters discuss their efficiency, which is directly proportional to the amount of time spent online, the normative chaos, and the news humbug performed in the network. Therefore, I recommend an active attitude in the language of faith: *actively (not just declaratively) bearing witness* and multiplication of the activities in various forms of care and attention to the values and rights we represent!

My next recommendation might seem a trite repetition of the eternal educational truth: *Be a clear witness to the growth of your child*. If your intention is to entrust him or her with the transmission of generations: faith, language of their fathers, love for the Homeland, respect for the values, you must live by them yourself, that is for one thing, for the other — leave nothing to doubt. You *must* talk about it and provide examples. Why am I formulating this recommendation so overbearingly in the plainest language? Because the unwanted world with the power of a waterfall overwhelms our world with its dynamics and greed, it stuns, shocks and conquers. Therefore, the prevention should be adequate to the strength and power of external pressures, full consolidation of the home around the split axiological system and frequent contemplation of it seems to be desirable here. One cannot simply forget about the effect of the “stronghold under siege,” namely, in the face of the “evil” storm, we tighten our ranks, clench our fists and stand strong against it, forgetting or neglecting the affirmation of values that, aptly called, characterize our world, that is, openness for another human and an attitude of accepting them. Therefore, I raise doubts about how effectively, with such a fierce face and determination in the eyes (some may call it “madness”), are we able to open ourselves to those who surround us looking at our “barricades” and would like to talk to us, but due to the psychological loop that “here I stand on the barricade, and I am not here to negotiate” I block myself on the possibility to gain allies and break the ranks of the opponents.

Secondly: *To attend upon no matter what, to give a message about your own home as symbolic/real safe harbour to which you can always return...* the fact that at a certain stage of socio-psychic development, a young person, like a young bird eager to fly, will leave the family nest, is a natural state of things. It is not justified to hold them “short,” to distrust that they will be able to cope with the everyday life. This distrust is more of a distrust of parents to themselves, in what has become their participation in the process of raising a child to self-reliance. If the fear for a child’s self-reliance is dominant over its right to do so, then it means you do not trust in things you have done for your child over the years. At times it is a late thought, sometimes overly emotional and unjustified. This does not change the fact that it is both acute and paralyzing to parents, and leads to even more irrational, rather than sensible, behaviour.

Therefore, the desirable state is to instill in young people (e.g., at home) the belief that wherever they may find themselves, in any trouble, the door to their home is always open, so that they have a place to return to. Of course, it does not come all by itself, it is a process of shaping this belief by daily conversations, gestures, behaviours of our close friends towards each other but also the adults attitudes towards young people. If it is more common at home for people to avoid talking about things that happened the night before, to take the strategy of “no talking” or “not to mention what happened” then it is because of such behaviour — avoiding the last nights’ anxiety, gesture of rolling the curtain or looking through the peephole — that will get us nowhere. You should calmly inform the “culprit” about our uncertainty that we felt that he or she was involved in this and that, as a result of this and that. It is better to ask why he or she did not call back, text back, or simply contact us. Not holding grudge or shouting, or lamenting. But calmly, with a complete conviction that you have the very right to do so, to ask. You are together a husband/wife, mother/father and their children, therefore, out of this closeness we can see that there is a commitment to caring, sensibility, alertness and attention. The opposite of all this is to ignore one another, pretend we do not see (which is impossible after all, so why are we doing it?), lack of conversation, giving one another “silent treatment.” If we allow the latter indifferent attitude to dominate our relationship, then the distance between us will continue to grow. It will come to such dissection of intimacy that from the distance of travelled dismissals we will not find the way back... In relations with young people there are two vital things: not to lose the channels of communication, always be ready for it, remain on-line all the time with your children! However, we know that the departure from the family nest is inevitable, therefore it is necessary to have “the window always open” (which has a double meaning — an computer interface



window, as even if he/she left for England, the US, we remain in contact with them through Skype, — other, means a window at the home to which he or she can always fly back). These references are universal in their character, they also refer to the relationship between a rational educator, a coach, a youth leader and the youth themselves. Therefore, I recommend the following attitude: *One is not relieved of his responsibility and complicity for bonds in the daily relationship between household members or the relationship between the young and the adult.* To show the relentlessness and care for the hygiene of these relations and the belief that if I care about them, *I must take care of them*, not just leave them as they are or because of my own sluggishness or ignorance claim that someone less mature, looking for his *modus operandi* for life, who also is at a particular stage of critical development knows better than ourselves how these bonds and relationships should look like.

Thirdly: *To cooperate across the good-willed communities is a strategy of strengthening mutually of the environments and groups which we recognize as those promoting the desired behaviour patterns*, show the attention to good manners, and thus in their actions, are close to the represented values and norms. It seems that this cooperation is also justified for the sake of avoiding the feeling (unfortunately often haunting young people) of being lonely in the represented attitudes or the respect for the normative system. There are various reasons for such narrowing of views, I shall mention two of them: subjective and objective. Subjective often results from perceiving ourselves as the “last righteous” in zeal, fervour and sometimes in the actual loneliness a hermetic belief is made, a very cynical and messianic one: “I am the only one left standing on the battlefield!” Amusing as it is, it is painful for others and also harmful to the person concerned. Painful for others, due to the lack of the appreciation of their presence and effort. Harmful for the person concerned due to the “bleeding in battle,” which at the moment of finding allies or co-fighters need not to be as burdensome as it is.

Besides, this “messianic” virtue-signaling sometimes works like a red rag to a bull, provokes both parties to tease each other and leads to the state of exhaustion from the multiplicity of skirmishes, battles, and natural weakness which, in fact, can be avoided by building a larger army.

Without exaggerating with the use of such a militarized vocabulary, I point out that the most favourable situation is always the one where we can point to the multiplicity of subjects, people who we recognize as our allies and can cooperate with them rather than stay with the stubborn self-identification as “the last white sail.” The cooperation is a compound process, meaning that it is only successful when both parties send “links” to each other when they have mutual acceptance of cooperation.

An example of such an approach is the work of the New Evangelization Schools, the cooperation of which results in three variations:

- charismata;
- forms of activity;
- space of presence.

It is remarkable that their spectacular presence, based on the multiplier effect, that is, cross-linking and implementation of evangelistic undertakings in strengthened teams took place, for instance, during the World Youth Day in Kraków or traditionally during the Jesus Festival. However, it is interesting to notice the significant difference between WYD and JF. The latter is of a special nature, as in opposition to WYD it takes place on the “enemy’s territory,” which might be somewhat misleading and requires an explanation. The Jesus Festival has been organized for a long time (for about eighteen years) during a mass event described by the organizers as “the biggest youth festival in the world” and despite the overgrowth of megalomania the event truly is enormous. Hundreds of thousands of young Poles visit it and have at their disposal various concerts, workshops, and consumer goods. The atmosphere and conviction of the youth marks it as rigour- and morality-free, but also free of the embarrassing habits, customs, and religion. Briefly, it is a land “liberated” from a forced by the world of adults and enigmatic system slavery (the real and the imagined one), as well as an invigorating soil for new concepts, ideas, formulas, which is willingly adapted into thinking and behaviour by youth convinced about their authenticity and self-determination. It is an area that was earlier identified as “enemy territory” because the promoted ideas are not only controversial but also inconsistent (totally) with the course of the event — with what truly happens there. As a result, the slogans talking about freedom from stimulants, such as, for example, alcohol or drugs are completely unreliable and even the youth itself is completely aware of it as the images of the drug and alcohol abusing youth suggest. Slogans about the respect for human dignity quickly find their negative reflection in the necessity to avoid, pass over or even discreetly overtake the participants laying down on the ground in dust, unconscious from alcohol overdose, participants who without any constraints, in front of everybody, fulfill their physiological or sexual needs.

That is why I call it the “enemy territory” and the paradox is that the youth behaving this way are not our enemies. That is why the presence of the Jesus Festival is so important. This presence confirms the legitimacy of the previously mentioned recommendations and also strengthens them with other arguments:

1. The participants of the Jesus Festival are equal to those of the Woodstock Festival, which strengthens their credibility in both kerygmatic and

axiological message, especially since both groups are there because they want to and not have to be there.

2. Another is the element of spontaneity, the unpredictability of the course of interaction, although it is characterized not only by improvisation but also the circumstances of the realization. The point is that the Woodstock valley (the area where WF is situated) is enormous and it provides absolutely no comfort whatsoever, it is in fact just the opposite as the music, noise, funky scents, dust or the rabble comes from every direction. And yet there are conversations taking place in there which sometimes happen to be a breakthrough in the lives of the participants. They experience these hardships together, equally stuck in there, which happens to be the basis of their brotherhood at least for that fleeting moment.

3. Nevertheless, “Jesuslings,” as the participants of the Woodstock Festival call the evangelizers, are perfectly prepared for their role of both evangelizers who preach the kerygma and evangelizers who try to have an interaction with the Woodstock Festival participants who have varying attitudes towards the Jesus Festival. The organizers of the Jesus Festival are well aware of the many different risks, surprises and various circumstances which the evangelizers can encounter during their work. Therefore, in the repertoire of previous trainings and courses, for example, Paul’s, a participant goes through trainings of assertiveness, social communication and reaction to unexpected behaviours and circumstances. The objective is, on the one hand, to prevent unwanted events, and on the other not to emanate fear, uncertainty or unnecessarily tempt the adversaries to provocative behaviour during an interaction. The departure to the festival site is preceded by a perfect recognition of where we are going, with what purpose, what are the circumstances and what is the cultural background of the place. Thus, we protect our people from the vileness of others and from hurting their sensitivity in the face of the obscene, unhygienic and sinful behaviour. This is due to both the concern and care for their moral and aesthetic wellbeing, but also for the duty of being a professional in their actions.

4. “Everyone has his own stage” is the result of the experiences from the Jesus Festival and many other youth festivals, such as the ones in Czerwieńsk nad Wisłą, Wołczyn or even Góra Św. Anny. What I mean by that is that the methods and forms of influencing the youth must be consistent with their current passions, habits and fashion. That is why every event has its own “fanpage,” Instagram or Twitter profile, it is all over the web. Therefore, there is a constantly buzzing question: Does the form obscure the content? If the organizers have a sense of balance, and take care of it, then it is well. Since it cannot be allowed that the chaos, huddle, noise, overdose of stimuli is, no matter the cost, the same during

the suggested alternative events as the ones discussed and referred to as controversial proposals for the youth. The thing is that it does not matter who does it louder, more flashy or modern, but who does it wiser and more reasonably. Unfortunately, the mediatized modernity brings its usurpation and incorporation of meanings into a new way of evaluation what is good and desirable. Therefore, the adequacy of form which takes into account the fashion and trends, does not exclude the normative coherence or the effective transfer of worthy values, educationally desired and socially accepted.

5. “Each stage has its backstage” and if I stick to this analogy, it is to point out that when I step off the stage I need to have a backstage and that is where the variety comes, I will only stick to the strengthening ones. Backstage is both the place free of the noise and the hundreds of thousands eyes tracking your every move but also it is a comfy sofa on which you can safely rest. It is an area outside of the presence of the others, there are only those whose presence you accept or those who care about you. That is why, in the process of influencing youth, it is worth to take care of such a backstage both for them and for yourself. Some of them have a feeling of constant social exposure and they also seem to be in such a state. They expose themselves to it consciously, they seem to have a lot of exhibitionism in them which is less likely coming from their nature as it is from the current technology. I am visible everywhere, I take care of it, so that my every step is registered by the eye of a smartphone, a tablet or a camera. I decide upon it myself and sometimes somebody steals my superficiality, too bad, that is how it works. The ubiquitous industrial, communication or security cameras follow my every step. Nowadays everyone becomes the broadcaster, but also the hero of their broadcast. The screen, the eye of the camera, the waiting for a comment or a reaction builds up anxiety. If it is there I get reinforcement but if the reaction of the public is poor or late, the feeling of panic, failure and injustice unexpectedly increases. Contemporary technology forces and allows for immediacy, when the reactions are postponed we cannot handle it, we become frustrated. This motivates to be more expressive, more abrupt with the transmitted messages as they guarantee more likes, more acceptance and much more comments. Therefore, the compress for these burned with expectation moods should be (only justified) comments posted as often as possible about our family members, during friends meetings in real life, face to face, with the use of verbal communication. As I write this, I clutch my head, recognizing the simplicity of this entry — the human peculiarity is speech — so why do I emphasize that it is worth talking to each other, in real life? Because, as I pointed out in the first chapter, speech is substituted by texts, tweets, presentations and images. Many young peo-

ple do not develop a sufficiently rich language. Of course, the guilt lies with teachers, parents, but when kids cannot speak properly, they make it more sparingly, less often, and finally replace that competence with technology. That is why we have the experience of help, education and therapeutic talks, which are based on the fact that at the beginning of the process, not because the person has terrible communication blockages, but our interlocutor cannot correctly make a sentence. No wonder then that if he cannot call his feelings, emotions, then he is not in the relationship with them. In a word, he cannot understand himself or herself. In such circumstances, I would recommend at least three activities: first, reading activity — we should get young people to start or come back to reading; secondly, verbal activity, which means that young people should simply “talk,” At the beginning they would just talk, as they could, and over time their language and vocabulary should be more “noble”; third: It seems that the hardest one, listening activity — they should listen to themselves and learn to hear others!

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JACEK KURZĘPA

## Conditions of an Efficient Dialogue with the Contemporary Youth

### Summary

The author evokes and provides a brief description of the contemporary young person's digital habitat. He finds the youth as digital natives spending most of their time online. What results from it is devolution or incapacitation within the scope of other communicative capabilities and entering into a passage of dysfunctions pertaining to the lack of sufficient social competences. Along with the deepening deficiencies within the

said scope, the youth seem to compensate for it by exaggerated expression on the Web, particularly in the social networking activity. Overburdened by the stimuli coming from the digital world, the young people wind up lost in the real one. Therefore, it is necessary to find an adequate way of re-establishing a permanent contact with them. Aside from the above mentioned competition with the new technologies, there arises also a necessity to fight for perpetuating values and morals. The author further reveals and exemplifies the new threatening phenomena originating on the Internet. They included carelessness and pure ignorance within the scope of language usage, the “hating” (online scapegoating) mechanisms, and devastating the tenderness, intimacy and privacy of other human being; the author concludes with presenting the phenomenon of sexting. Each of the enumerated phenomena repress the hitherto values and norms with brutality and impetus of a waterfall. It not only traumatizes an individual, but also affects the community that is helpless in the face of such a behaviour. The latter helplessness stems, on the one hand, directly from the characteristics of desacralized world, which are ruthlessness, brutality and pugnaciousness. On the other hand, however, it results from inaptitude of the “guardians of the old normative order”, for they lack adequate and compatible communication devices and capabilities to use them. One may assume that dehumanization and desacralization of our every-day living space shall inevitably dominate us, that there is no escaping from this cultural tendencies. The author nonetheless puts forward a very precise remedies, that is, strategies of “not abandoning the trenches of values,” which are priceless from the universal viewpoint are have to be protected.

JACEK KURZĘPA

## Les conditions d'un dialogue efficace avec les jeunes gens d'aujourd'hui

### Résumé

L'auteur évoque et décrit les habitudes numériques contemporaines des jeunes gens. Il les définit comme des natifs numériques (*digital natives*) qui durant la grande majorité de leur temps restent connectés à Internet. Par conséquent, on observe le recul et la déficience d'autres compétences communicationnelles ainsi que l'entrée dans le passage des dysfonctions liées au manque de compétences sociales suffisantes. Étant donné les déficits qui ne cessent de se creuser dans cette sphère, les jeunes gens compensent les déficiences susdites par une expression excessive sur Internet et dans la vie, ainsi que dans l'activité sociale. L'apparition de la multitude de stimulants du monde numérique fait qu'ils se perdent dans la vie réelle. Cela étant, il est nécessaire de trouver un moyen adéquat pour rétablir le contact avec eux, et puis ne pas le perdre. Outre la rivalité susmentionnée avec les technologies modernes, il est nécessaire d'entreprendre une lutte en pensant à la sauvegarde de valeurs et de bonnes mœurs. Sur Internet apparaissent de nouveaux phénomènes et dangers que l'auteur de l'article dévoile et exemplifie. Il range parmi eux la nonchalance et l'ignorance dans le domaine de la communication langagière, les mécanismes de « détester » et de dévaster la fragilité et l'intimité d'autrui ; enfin, il présente le phénomène de *sextos*. Chacun de ces phénomènes refoule avec une intensité remarquable les normes et les principes connus jusqu'à présent, non seulement en blesant et mutilant un individu, mais aussi en influençant la communauté qui est impuissante à l'égard d'un tel comportement. D'un côté, cela résulte des traits d'un monde désacralisé qui est hautain, querelleur et violent. De l'autre, en revanche, cela résulte de

la maladresse de ceux qui veulent sauvegarder l'« ancien ordre normatif », car il leur manque d'outils communicationnels compatibles et adéquats, ainsi que de compétences de les appliquer. On pourrait présumer que nous serons inévitablement dominés par la déshumanisation et la désacralisation de l'espace du quotidien et qu'il est impossible d'éviter ces tendances culturelles. Pourtant, l'auteur propose des moyens préventifs déterminés, des stratégies de « ne pas quitter les remparts de valeurs » qui, du point de vue universel, sont inestimables et il faut les protéger.

**Mots clés:** jeunes gens, dialogue, sextos, déshumanisation, relations humaines, désacralisation

JACEK KURZEPA

## I condizionamenti del dialogo efficace con i giovani contemporanei

### Sommario

L'autore cita e descrive l'habitus digitale contemporaneo dei giovani. Li ritrova come nativi digitali (digital natives) che rimangono on-line decisamente per la maggior parte del tempo. Di conseguenza hanno luogo l'abbandono e la minorazione delle altre capacità comunicative e l'entrata nel tunnel delle disfunzioni legate alla carenza di competenze sociali sufficienti. Insieme ai deficit che diventano sempre più profondi in questa sfera i giovani si compensano le carenze citate attraverso l'espressione eccessiva in rete come pure nella vita e nell'attività sui social media. La moltitudine di impulsi affluenti dal mondo digitale fa sì che si perdano nella vita reale, perciò è necessario trovare un modo adeguato per recuperare il contatto con loro, e poi non perderlo. Oltre alla competizione menzionata con le tecnologie moderne esiste la necessità di lottare avendo premura di mantenere i valori e i buoni costumi. Appaiono nuovi fenomeni e rischi in rete che l'autore dell'articolo rivela ed esemplifica. Vi annovera la noncuranza e l'ignoranza nel campo della comunicazione linguistica, i meccanismi di "hate speech" e di devastazione della delicatezza e dell'intimità, della privacy degli altri, infine presenta il fenomeno del sexting. Ognuno di questi fenomeni, con l'impeto di una cascata, subentra ai principi e alle norme finora applicati, non solo storpiando e ferendo l'individuo, ma anche agendo sulla comunità che è impotente di fronte ad un comportamento simile. Ciò risulta, da una parte, dalle caratteristiche del mondo desacralizzato che è borioso, litigioso e violento. Dall'altra, invece, dall'incapacità di coloro che vogliono salvaguardare il "vecchio ordine normativo" in quanto gli mancano gli strumenti di comunicazione adeguati, compatibili e le capacità di usarli. Si potrebbe assumere la premessa che l'abbruttimento e la desacralizzazione dello spazio della quotidianità ci domineranno in modo inevitabile, che non si possono più invertire queste tendenze culturali. L'autore tuttavia propone misure di rimedio definite, strategie di "non abbandono delle trincee dei valori" che sono inestimabili dal punto di vista universale e devono essere salvaguardati.

**Parole chiave:** giovani, dialogo, sexting, abbruttimento, relazioni interpersonali, desacralizzazione



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## Youth and Experience of Living Faith The Essential Aspects of the Path to Christian Maturity

**Keywords:** faith, Christianity, maturity, youth, evangelization

### Introduction

At the beginning it is worth asking a few quite provocative questions: Is there any other Christianity than the authentic one? Is there another faith than the living one? Or is it rather that you have a choice to either be authentic in your Christian faith, or not be a Christian at all? The foregoing questions seem to be a pure rhetorical exercise in the face of the essence of Christianity. Otherwise, they are not unfounded. In 1970s Rev. Franciszek Blachnicki upon diagnosing the condition of the self-proclaimed Christians, he called them the “skeletons of lifeless Christians.” In one of his homilies he said: “If we try to renew the catechumenate among baptized, confirmed Christians who are attending the Eucharist, it is because we are terrified of the spiritual desert all around us. The desert full of skeletons of lifeless Christians who do not do what they preach. We are searching for the way out of this situation, we are looking for a key to this mystery, a key to the source of life.”<sup>1</sup> It seems that this assessment is still relevant nowadays. Today we may also ask the question: How to deal with this spiritual deadness? Or even more essential one: What is

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<sup>1</sup> F. BLACHNICKI: *Myśli, wyznania, testament*. Lublin 2002, p. 62.

then the secret of authentic, living Christian faith? This question is very compelling since at the first glance, we can observe an alarming regress of interest in Christianity among the European youth, especially in Western Europe. The regress in question is also noticeable in Poland. According to Bogdan Biela, “without any further research we can see that youth participation in the life of Polish parishes is dwindling: the number of young people regularly attending the Sunday Mass is falling, also youth’s commitment in Church organizations and movements is decreasing, young people’s beliefs and value systems are not coherent/reconcilable with rules provided by the Church.”<sup>2</sup> Answer to the question concerning the essence of authentic, current, and feasible Christianity nowadays become the key challenging issue in matters of culture and civilization. Moreover, it seems that the answer oscillates around the issue which is fundamental to Christianity — faith.

## Faith and sign

It is about faith. Why is that? It seem that it is caused by the fact that Christianity, in its nature, cannot be strictly classified as one of the religions. Referring to Benedict XVI’s words, we can say that Christianity is something more than merely a religion, it is the event of faith. Faith which “not only means acceptance of a definite set of truths concerning mysteries of God, human, life and death, as well as the coming events. Faith is deep, personal relation with God based on, one’s who loves us as a first, love.”<sup>3</sup> It can be also rephrased in the following way; as Józef Tischner writes in the introduction to the Polish translation of St. Augustin’s *De Trinitate*: God is the Absolute Event of Love,<sup>4</sup> adequate receiving of this event, which is granted to people — receiving which takes place before the answer of love — can transpire only in a form of faith. It results from the faith’s own nature, or more precisely, it results from its cognitive aspect. If in man’s answer of love given to God is hidden an element of voluntary longing, it is possible only thanks to previously acquired intel-

<sup>2</sup> B. BIELA: *Pastoralne nawrócenie w teorii i praktyce*. Katowice 2014, p. 56.

<sup>3</sup> BENEDYKT XVI: “Homilia wygłoszona podczas Mszy św. na placu Piłsudskiego w Warszawie 26 maja 2006 roku.” *Gość Niedzielny*. *Trwajcie mocni w wierze*, 4 June 2006, p. 7.

<sup>4</sup> See J. TISCHNER, “O Bogu, który jest blisko. Wprowadzenie do lektury *O Trójcy Świętej* św. Augustyna.” In: ŚW. AUGUSTYN: *O Trójcy Świętej*. Trans. M. STOKOWSKA. Kraków 1996, p. 13.

lectual knowledge. Particular knowledge acquisition which takes place only in faith. Saint John of the Cross wrote significantly and extremely perceptively on this matter: “Mind — Mystical Doctor emphasizes — [...] to be prepared for this Divine union, [...] must be [...] leaning upon faith, which alone is the proximate and proportionate means whereby the soul is united with God; for such is the likeness between itself and God that there is no other difference, save that which exists between seeing God and believing in Him. For, even as God is infinite, so faith sets Him before us as infinite; and, as He is Three and One, it sets Him before us as Three and One; and, as God is darkness to our understanding, even so does faith likewise blind and dazzle our understanding. And thus, by this means alone, God manifests Himself to the soul in Divine light, which passes all understanding. And therefore, the greater is the faith of the soul, the more closely is it united with God. [...] ‘He that will be united with God must believe’ (Hebrews 11, 6). That is, he must walk by faith as he journeys to Him, the understanding being blind and in darkness, walking in faith alone; for beneath this darkness the understanding is united with God, and beneath it God is hidden.”<sup>5</sup>

In the above excerpt absolutely crucial fact is that St. John of the Cross depicts faith as a relation, on the basis of proportion, as the only one proportionally the most adequate means of soul Divine union. Faith understood in this way, for Mystical Doctor, is not restricted to narrow circle of mystics. Quite the contrary, it is a means of achieving Divine union. The path for a young beginner in spiritual life as well as for an experienced, saintly old man. It is thanks to the proportion in faith noticed by St. John of the Cross, concerning similarity, and non-similarity at the same time, between the contents about God (assuming life experience and acquired knowledge — the more extensive the better) and God Himself. These are two separate orders, but they are proportion between this two paths of exploring of the Triune God. Saint John of the Cross emphasizes this very clearly when he says that God is infinite and faith sets Him as He is, as He is Three and One, faith depicts God as Three in unity. Faith is not depicting knowledge about God, but God Himself. Faith is not providing something about God, but God Himself. Faith does not intermediate, does not confront with the contents of the faith to which it secondarily refers. Faith is a transparent mean, it is God’s own directness, who wants to give Himself to the man’s experience, regardless of the man’s age, but in a manner that is the most appropriate for a certain age. In the way of acquiring knowledge, not in the subject of acquired knowledge, lies the

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<sup>5</sup> SAINT JOHN OF THE CROSS: *Ascent of Mount Carmel*, The Second Book. Trans. E. A. PEERS, Dover Publications 2008, chapter IX, point 1.

difference between faith in God in the earthly life and seeing God in eternity. What is the origin? Saint John of the Cross proposes that similarity between God and faith is like similarity between God seen in clear seeing, which means clear understanding (because seeing clearly is the highest, the clearest way of acquiring knowledge on God) and God comprehended by faith. In other words, it is the similarity between direct, certain, and evident understanding of God, which is clearly seeing, and direct, certain, but not obvious understanding of God — understanding in faith. It means that the man in faith commune with the very same God as in seeing, which is more in the way that is equally direct and evident; the only difference is in a degree of obviousness. This difference is especially intense in young man's faith, which is probably caused by the fact that young people due to their age are unable to discern properly in their thinking.<sup>6</sup> What is the reason of the difference? The fact that faith is a way of understanding God during one's earthly life, it is the attempt at understanding God by the man who remains in the (human) body. It means that in seeing clearly, being revealed in His godly light, God comes across the mind torn off its sensual correlates — that is, the mind free from earthly way of cognitive contents reception; it is the mind which is thwarted in its cognitive rise to God's light by itself, but the brain which is fully susceptible to this ennoblement. Thus, mind is not able to receive cognitive contents by itself, but it is well capable to receive contents beyond its natural operation, no longer disturbing mind. Mind explores clearly. In faith, where His godly light is being revealed, God comes across in the mind which is cooperating with senses, it means that mind, naturally approaches in its operation another type of objects. For this reason alone, the mind receives in faith what is provided, but cannot satisfyingly distinguish the contents, and thus, obscure or obfuscated state; mind does not eventually acquire the knowledge. This darkness does not result from any deficiency, but rather from excess. In faith mind is obscured because it is blinded — it unites with God shared and exposed to man by faith, but at the same time the human mind is not able to fully acquire Him. God who, given in faith to our understanding (in truths of faith), is a mystery

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<sup>6</sup> It is emphasized by developmental psychologists that “adolescents are characterized by understanding uncertainty caused by reflection. When a young child gives his or her opinions with certainty and promptly, an adolescent keeps ponder over and hesitates. It is caused by the fact that during the growing up there occurs awareness that not every situation is simple and not every problem is solvable. Hesitation and skepticism are so strong that simple situations transform into very complicated ones. Although mental abilities of adolescents are developing rapidly, it may, at the same time, seem as if ‘they lost their intellectual foundation’” (*Psychologia rozwoju człowieka*, t. 2: *Charakterystyka okresów życia człowieka*. Eds. B. HARWAS-NAPIERAŁA, J. TREMPAŁA. Warsaw 2000, p. 173).

too noble to encompass because of mind's orientation towards empirical cognition. This is a very harsh reality especially for a young person whose mind is turned towards empiricism to a greater extent; mind's operation is shaped and developed by intense sensual stimulation — stimuli coming from sphere of perception and from sensations. "It is connected with the fact that adolescents' observations are more exact, multifaceted and more directed [...]. It is connected, among others, with the highest sensual sensitivity in the entire course of a lifetime."<sup>7</sup> Regardless of that the foregoing, the darkness of faith as understood by St. John of the Cross, is in fact the darkness connected with God's light granted, by virtue of the faith, to human mind, the mind still remaining in the body. Despite this darkness surrounding Divinity, it does not come from God, or even from faith, but rather from the faith situation — it comes from the fact that faith provides the God's light to mind in earthly life. That is why St. John of the Cross writes: "Faith, at the ending and breaking of this mortal life, will allow the glory and light of the Divinity, which was contained in it, to appear."<sup>8</sup> Is a young person able to experience his or her darkness of faith in this particular perspective?

## Faith as experience

Careful reading of *Ascent of Mount Carmel* allows to fathom that faith per se is not obscuring, yet enlightening, does not cover, but rather allows Divine union with God in a hidden way. At the end of our life faith terminates and turns into seeing; it ceases to be obfuscated. Faith in its essence is approaching the clear understanding, it is aiming to know God, to experience Him. What is more, faith is experienced as such also at the onset of life, which is the conscious stage of living with God — often it can take place even in early youth. Faith as experience is initiated at the moment when the mind, which is in the body — while taking for granted what is not, in fact, obvious — agrees to build up young person's life on the basis of this certainty. What is the basic, fundamental certainty in the structure of faith, which is understood this way? It is God. Actualization of God's presence — not theoretical realization, but compelling and engaging one's entire life — is the origin of first experiences

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<sup>7</sup> *Psychologia rozwoju człowieka*, t. 2: *Charakterystyka okresów życia człowieka*, chap. quoted, p. 173.

<sup>8</sup> SAINT JOHN OF THE CROSS, *Mount of Ascent Carmel...*, Chapter 9, point 3.

of God's closeness. It is not about the immature emotional expression or shallow exultation, but about the entire structure of more or less subtle internal touches, which are build on realized truth of faith (for example: *God loves me, I am a sinner, Jesus is my Salvation*), internal touches which are results of confronting certain truth of faith with young person's life, which leads him or her to understanding and experiencing truth about his or her life; to understand and experience God's closeness full of love, which is given to man in certain truth of his or her life. This way of experiencing faith results in conversion (transformation of way of acting and thinking) and in consequence — not only stable bond with God, which is a crucial characteristic of mature faith, but also (during the mind's gradual release from shackles of sensuality) — a deep sense of God's reality. The mystique ensues here. Faith understood this way is complementing intentionally the man's cognitive deficiencies, it is the beginning of what is mystical. In fact the Christian mystique originates at the very beginnings of faith, when the man starts to realize God's presence. Even a young person, at the moment of their performing an authentic act of faith, does not affirm their agreement to any particular truth about God, but they affirm the fundamental attitude towards God being the contents of faith. One may say that through the said act of faith a boy or girl updates their awareness of God's everlasting presence near to them and for them, along with associated truths concerning Salvation. What becomes paramount is, as Alojzy Drożdż puts it, the "thought of attachment to God, by whom man is won, when man accepts and receives God's goodness devoted to man and enters into the covenant with God."<sup>9</sup> This is the origin of initial experiences in the field of faith — experiences, which get deeper and deeper if faith develops with all its reshaping (from awareness of God's presence, through stable bond and experience of reality, to witnessing the essence of God). Unfortunately, the problem is that many young Christians nowadays do not aim at experiencing and understanding God, do not experience Him. Why is that? That is because their Christianity is dead, their faith is reduced to affirmation of contents about God without any commitment to faith in their life. That is, one may say, isolated affirmation; it consists in separating contents, truths from its correlates and acquiring these correlates. This generates faith which is satisfied with minimal knowledge about God without any aiming to God Himself. Is that still the faith? For sure it is not in the St. John of the Cross's understanding. That is rather quasi-faith, faith which is not authentic — mediated and unstable. Faith without relations

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<sup>9</sup> A. DRÓŻDŹ: *Wiara — nadzieja — miłość. Teologia moralna szczegółowa*. Tarnów 1994, p. 20.

— without bonds. Faith which is dead. The question is: How to awaken faith in a young person? In accordance with the foregoing analysis of the faith phenomenon, it can be assumed that the living faith has to combine, at its origin, the realization of God's presence with decision to build up and organize one's entire life according to this truth. The living faith is the one "the deeds of which are signs of the participation in compelling grace, simultaneously faith is acting of love."<sup>10</sup> Thus, man's faith has to be established on the basis of some understanding and experiencing oneself in the relation to God — the relation which is not only theoretical, but far more practical, existential, and therefore, alive. It is about the relation which gradually reshapes in reference to bond, as far as realization of God's presence becomes grasping the ever stronger sense of God's realism, which takes place in faith. Also, the question arises: How to commence this bond with God? How to initiate it in the young person's experience? It seems that the answer to these questions is connected strongly with the kerygmatic aspect of faith.

## The kerygmatic aspect of faith

Living faith is not given to Christians, let alone the young disciples of Christ, all at once, with the entire fullness of its nuances. On the contrary, faith's vivid and life-giving character increases and deepens according to progression in bond with God, that is, according to the growth in Christian maturity. This maturity is an accomplishment of some kind of steadiness in spiritual, intellectual, and moral life growth, on the basis of organized forms of deepened faith, as well as individual care for building personal bond with God. Christian maturity assumes in-depth awareness of oneself as a Christian — a Christ's disciple; it assumes bond with the Church community, ability to establish one's place in the Church, ability to serve and even ability to sacrifice one's life for Christ. Due to this, as the Second Synod of the Archdiocese of Katowice emphasized, "priesthood oriented towards the realization of true Church's aim will require Christian maturity, *kerygma* proclamation and mystagogic initiation of personal bond with God in praying, God's word, sacraments and fraternal community."<sup>11</sup> It is important to emphasize that the *kerygma* proclama-

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<sup>10</sup> Ibidem, p. 21.

<sup>11</sup> W. SKWORC: *Wstuchani w Ducha. Uchwały II Synodu Archidiecezji Katowickiej*. Katowice 2016, p. 9.

tion and initiation of personal bond with God are not additive values to Christian maturity, they are its vital emanation — the way of expressing it. They are not possible without some kind of experience of God, which is connected with the fact that faith is not limited only to the scope of conventional religious behaviours, but it is expressed in awareness of real God's presence in the Church and in the world. Understood this way, living faith looks for the God's presence especially in liturgy (first of all during the Holy Mass), in individual prayers, in God's word and in community, while a young person comes up gradually to this experiencing. At this point we can say about the way consisting of several defined stages — particular periods of spiritual life. On the basis of *Ordo initiationis christianae adultorum* (OICA) — the Rite of Christian Initiation of Adults — we can distinguish: period of evangelization, period of pre-catechumenate, period of catechumenate (more precisely, deuterocatechumenate), period of Christian initiation (*ritus electionis* — period of enlightenment and purification with its rites) and period of mystagogy,<sup>12</sup> and the period of diacony. In each of these periods of growing in Christian maturity, the faith should progress, remaining in relation with theological virtues (hope and love), cardinal virtues and to gifts and fruits of the Holy Spirit. Understood this way the living faith cannot be proclaimed, it has to be skillfully initiated in one's experience, and next, its growth is to be stimulated and its deepening assisted. This initiation takes place mainly thanks to evangelization, which should be priority of a young person's priesthood — especially in case of the New Evangelization. It has been emphasized that “the responsibility for one's sisters and brothers, who lost their sense and taste of faith due to different reasons, pushes [...] ‘to proclaim Gospel which is always new and always carrying novelty; evangelization, which has to be lead with diligence, always using novel methods and devices.’”<sup>13</sup> An example of the foregoing can be *Przystanek Jezus* (The Jesus Stop) — the evangelization initiative which is targeted at young people where “evangelizers try to approach attendees of an event by using their language, using movies, images, music, and by speaking directly in an approachable way. *Przystanek Jezus* is a fight for the young man. It also allows young generation to speak out their point of view, reveal their pains, and what is

<sup>12</sup> See A. ŻĄDŁO: “Obrzędy chrześcijańskiego wtajemniczenia dorosłych jako źródło inspiracji dla współczesnego duszpasterstwa.” *Kieleckie Studia Teologiczne*, 2003, no. 2, pp. 389—391.

<sup>13</sup> W. SKWORC, “Wysłuchani w Ducha. Uchwały II Synodu Archidiecezji Katowickiej,” ch. quoted, p. 9; see also: JAN PAWEŁ II: *Encyklika Veritatis splendor*, point 106. In: *Encykliki Ojca Świętego Jana Pawła II*. Vol. 2. Editorial board lead by S. MAŁYSIAK. Kraków 1996, p. 623.



beyond reason for them, and what they are fighting for.”<sup>14</sup> Emphasis put on new diligence, new methods and devices is important because understood in this way novelty does not use cheap entertainment or makes truths of faith more attractive, but rather aims at expressing one’s inner self; it has to support experience. Also upon transitioning from evangelization and catechumenate to mystagogic methods and devices used in this way is not only well appreciated, it is necessary; it becomes the element of deepening young people’s formation which should be carefully investigated, as a part of parish priesthood, small groups gathering young people who receive proclaimed Gospel in awareness. As a consequence, the vision of path to maturity in faith strongly accentuates comprehensive, based on experience formation of young people. Its core is deuterocatechumenal communities of Christian grown initiated in parishes, their fruit — conscious service (diacony) undertaken by young people in two aspects, by commitment into earthly world’s issues (to build the Kingdom of God on the earth) and by involvement into Church issues (to evangelize and shape people who started their path of conversion) especially on the level of parish. “Deeper involvement into and commitment to parish’s life — as Bogdan Biela emphasizes — also expressed by participation in different movements, groups, and associations in the church. They are opportunities to deepen spiritual life, but also to assume greater, shared responsibility for life of a parish.”<sup>15</sup> In consequence young people who were evangelized at the former stage of their life and thanks to this are compelled to faith, at subsequent stages can — by attending a group in the parish — share their experience and, as a consequence, gain other disciples. In this way, thanks to their testimony and proclamation of Gospel, also young people can initiate their peers to experience of living faith. This *initium*, as realizing experience of God’s close presence, is mainly original stage of faith development — evangelization stage which can be performed in three forms: pre-evangelization, individual evangelization, and evangelization retreat. Each of these forms, as a dynamic attempt to reach young people’s hearts with the Good News about Jesus, should carry experience of God’s presence — according to fundamental principle that life gives birth to another life. After all, the Bond which is alive cannot be originated by lifeless beginning. But how to attain it, when St. Paul emphasizes that “faith comes from hearing, and that means hearing the word of Christ”? (Romans 10, 17). How to listen to Jesus’ word so that experience of Jesus’ presence accompanies this and unites living faith? How

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<sup>14</sup> T. MADZIA: “Przystanek Jezus.” In: B. BIELA: *Pastoralne nawrócenie w teorii i praktyce*. Katowice 2014, pp. 216—217.

<sup>15</sup> B. BIELA: *Pastoralne nawrócenie w teorii i praktyce*, ch. quoted, p. 57.

should young people listen? Well, it seems that this question is asked in a wrong way. The manner of listening is strongly dependent on the way of uttering. Saint Paul asks: “And how can they believe in Him if they have never heard of Him?” (Romans 10, 14b). Peter Hocken reminds us that “for Christian, faith does not originate from reflection alone, but it is an answer to proclamation of God’s words and deeds.”<sup>16</sup> That is not first of all about how to listen but how to proclaim to facilitate the listening by young people so they can hear and strengthen their faith in God.

An example of proclaiming Gospel which initiates faith is without doubt St. Philip the Evangelist, whose activity in the field of evangelization is described in the Acts of the Apostles in the following way: “The people unanimously welcomed the message Philip preached, because they had heard of the miracles he worked and because they saw them for themselves. For unclean spirits came shrieking out of many who were possessed, and several paralytics and cripples were cured” (Acts 8, 6—7). Answer which Philip gives to Christians nowadays is simple: You have to proclaim Christ with power, because signs full of power accompanying proclamation confirm truth of the words proclaimed. “Word is accompanying — as Rino Fisichella claims — by sign, which gives to words the exact dimension. Gospel proclamation needs to be accompanied by signs, which give it visibility.”<sup>17</sup> At the end of the Gospel of Matthew, Jesus gives certain recommendation himself: “ ‘Go out to the whole world; proclaim the gospel to all creation. Whoever believes and is baptised will be saved; whoever does not believe will be condemned. These are the signs that will be associated with believers: in my name they will cast out devils; they will have the gift of tongues; they will pick up snakes in their hands and be unharmed should they drink deadly poison; they will lay their hands on the sick, who will recover.’” Deacon Philip does nothing more than this. He is obedient to his Lord’s will and that is why he is effective. The evidence that Jesus’ will is this way of pedagogy of proclamation are the final words of Jesus from the Gospel of Mark: “[...] while they, going out, preached everywhere, the Lord working with them and confirming the word by the signs that accompanied it” (Mark 16, 20). The quoted fragment prompts many questions about signs full of power: Isn’t it just an example of biblical hyperbole, symbolic overinterpretation of obscure historical background or result of later editing of the divinely inspired text? It is not the time to adjudicate in this matter, while generally it has to be done to avoid a situation where numerous reservations are an anesthetic

<sup>16</sup> P. HOCKEN: *Kościół, który nadchodzi*. Trans. A. SIOŃEK. Katowice 2009, p. 112.

<sup>17</sup> R. FISICHELLA: “Nowa Ewangelizacja wczoraj i dziś: Od dokumentów Soboru watykańskiego II do *Evangelii Gaudium* papieża Franciszka.” *Śląskie Studia Historyczno-Teologiczne*, 2015, no. 48/2, p. 280.

and panacea for the weak faith. That is to not allow doubts to become, for Christians nowadays, a means of self-justification covering lacks in faith, even a faith as small as a grain of mustard seed. After all, one who has faith as a grain of mustard seed could — according to Jesus' words — say to a “mulberry tree to be uprooted and planted in the sea” and it would obey them. Even if, eventually, this radical way of understanding faith has only metaphorical sense, it does not change the fact that weakness in faith of many Jesus' disciples nowadays is majorly connected with lacks in trust and with anxiety about proclaiming the Gospel bravely and powerfully. At first, this is about the mistrust towards New Evangelization caused by the fact that in particular cases parish priesthood until now — shaped by different challenges — was not concentrated on searching for and attracting “ones who are apart”<sup>18</sup> — Christians, who wane in their experiencing and practicing of faith or abandoned faith entirely. Often actions undertaken within the scope of the New Evangelization are taken tongue-in-cheek or even with hostility or as an oddity, clutter spreading, or cheap entertainment. Often it is connected with some reluctance towards new communities and Church-renewal movements, which in some parishes are — speaking openly — unwelcomed or treated as an element of local parish colour. Potential hidden in these communities remains undiscovered and unused; it even happens sometimes that the laity organizing in a given community — mainly young people — are left to their own means. There is nothing strange in the fact that the latest works devoted to the New Evangelization, priesthood, and proclaiming the word of God, more often stress the requirement of pastoral conversion that is a “change in thinking of priests, animators of movements and communities and also the laity who are formatted in traditional priesthood.”<sup>19</sup> Pope Francis emphasized this by writing in *Evangelii gaudium*: “I hope that all communities will devote the necessary effort to advancing along the path of a pastoral and missionary conversion which cannot leave things as they presently are.”<sup>20</sup> It is connected with the necessity of discarding the criteria alike “it was always done this way,”<sup>21</sup> and assuming the requirement to transform into “the Church which ‘goes forth’, is a community of missionary disciples who take the first step, who are involved and supportive, who bear fruit and rejoice.”<sup>22</sup> It is not simple. There can occur temptations that traditional priesthood — which needs to be emphasize — will

<sup>18</sup> W. SKWORC: *Wsluchani w Ducha. Uchwały II Synodu Archidiecezji Katowickiej*, ch. quoted, p. 94.

<sup>19</sup> Ibidem.

<sup>20</sup> FRANCISZEK: *Adhortacja apostolska Evangelii gaudium*, point 25.

<sup>21</sup> W. SKWORC: *Wsluchani w Ducha....*, page 15.

<sup>22</sup> Ibidem; see also: FRANCISZEK: *Adhortacja apostolska Evangelii gaudium*, point 24.

remain in many Polish parishes a basis of functioning for a long time come, treated as the only legitimate form of pastoral activity — because it is easier, more safer, and often not attracting any attention. There still remains the question if that what proclaiming Gospel in power really is? If we attempt to point out, among Christ's disciples nowadays, a group which is the most sensitized to the lack of power, it would undoubtedly be youth. While an average person, alike Doubting Thomas, in order to believe often needs powerful signs which support the man's faith, a young person who is lost in the modern world, needs this signs even more. In this context St. Paul's words from the Epistle to Timothy should become a caution to all Christians who believe in Christ: "You may be quite sure that in the last days there will be some difficult times. People will be self-centered and avaricious, boastful, arrogant and rude; disobedient to their parents, ungrateful, irreligious; heartless and intractable; they will be slanderers, profligates, savages and enemies of everything that is good; they will be treacherous and reckless and demented by pride, preferring their own pleasure to God. They will keep up the outward appearance of religion but will have rejected the inner power of it. Keep away from people like that" (2 Timothy 3, 1—5).

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## Youth and Experience of Living Faith The Essential Aspects of the Path to Christian Maturity

### Summary

Is there any other Christianity than the authentic one? Is there another faith than the living one? Or is it rather that you have a choice to either be authentic in your Christian faith, or not being a Christian at all? This question seems very compelling for at first glance we can notice alarming, increasing regress of the interest in Christianity among European youth — especially in Western Europe. How to restore Christianity to its brilliance for the modern youth? What is the secret of authentic Christianity and how to bring young people to experience it so that the religion is not associated by them with something archaic and long outdated? The foregoing questions especially are answered by this article.

ALEKSANDER R. BAŃKA

## Les jeunes gens et l'expérience de la foi vivante, ou sur les aspects importants du chemin vers la maturité chrétienne

### Résumé

Peut-il exister un autre christianisme que celui étant authentique et une autre foi que celle vivante? N'est-il pas qu'un chrétien soit vit sa foi authentiquement, soit il n'est pas du tout chrétien? Ces questions semblent d'autant plus absorbantes que c'est déjà au premier coup d'œil que l'on voit la régression — inquiétante et systématiquement s'approfondissant — de l'intérêt pour le christianisme parmi les jeunes gens d'aujourd'hui, notamment sur le territoire de l'Europe occidentale. Que faire pour que le christianisme regagne son éclat aux yeux des jeunes gens d'aujourd'hui? Où, à vrai dire, réside le

secret d'un christianisme authentique et comment amener les jeunes à l'expérimenter de manière qu'ils n'associent pas la religion avec quelque chose d'archaïque et d'inactuel depuis longtemps? Dans le présent article, on essaie de répondre à ces questions ainsi qu'à d'autres.

**Mots clés:** foi, christianisme, maturité, jeunes gens, évangélisation

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## I giovani e l'esperienza della fede viva ossia degli aspetti essenziali del cammino verso la maturità cristiana

### Sommario

Ci possono essere un altro cristianesimo se non quello autentico e un'altra fede se non quella viva? Non è forse che il cristiano o vive autenticamente la sua fede oppure non è affatto cristiano? Tali domande sembrano essere talmente impegnative che già a prima vista si scorge il regresso inquietante, che si aggrava sistematicamente, del cristianesimo tra i giovani contemporanei — specie dell'area dell'Europa occidentale. Che fare perché il cristianesimo riacquisti il suo splendore agli occhi dei giovani contemporanei? In che cosa consiste veramente il segreto dell'autentico cristianesimo e come guidare i giovani a farne esperienza — in modo che la religione non venga associata a qualcosa di arcaico e da molto tempo superato? Il presente articolo intende rispondere a queste ed a domande simili.

**Parole chiave:** fede, cristianesimo, maturità, giovani, evangelizzazione

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## Is That a Really New Spirituality? Basics and Signs of the Spirituality of the New Evangelization — the Case of Poland

**Keywords:** New Evangelization, Catholic spirituality, charisms, prayer for healing and freedom, Church renewal

Social changes in all nations and countries are the indicator of the contemporary times. The progress in science and technology as well as new forms of communication shape societies, interpersonal relations and the way of looking at the world, oneself, neighbours, God, religion and on piety. Simultaneously, there are consequences of gradual secularization since the Enlightenment. The product of this is the noticeable crisis of identity, relations and religiousness. Polish reality deals with similar problems. Even though there is a religious crisis in the Euro-Atlantic zone, there is also a need for spirituality, some kind of devotion and religious activities, this time not on a massive scale but based on individual choice of every person.

The condition of modern times motivated the Church to undertake activities within so-called New Evangelization which as John Paul II noticed in Haiti (1983) is proclaiming the Gospel with new methods, means of expression and with new enthusiasm. It is not only about pragmatism. The New Evangelization is an integral part of Christians' mission. It is accompanied by remodelling Catholic devotion, however, it needs to be mentioned that those changes take place also in Evangelical communities. New or renewed spiritual practices and theological concepts still require theological and pastoral evaluation.

Thus, a question can be asked: Does a new Catholic spirituality appear? To answer that question it is necessary to diagnose the condition of the Church and spirituality, including ecumenical field, and then to define the New Evangelization, indicate its grounds and expressions, and at the end make an evaluation of some spiritual activities and challenges for contemporary Catholics.

## 1. An attempt to describe the Church

Looking for answers to the question asked at the beginning, we need to start with an analysis of the spiritual and pastoral condition of the Catholic Church and take into the consideration multiple changes and tendencies, including their global aspects.

### 1.1. Time of changes in the world

The most important changes concern the understanding of human nature, foundations of life, world, religion and communication, transfer and receipt of information and further on — values in social and individual life. Modern times are characterized by the new vision of a human as a *homo technicus* and basing one's existence on human achievements and possibilities in the technical development, which generates the sense of being self-sufficient and independent. This is followed by abandoning religion, God and spirituality.<sup>1</sup> On philosophical grounds, we deal with the development of non-theistic or atheistic visions of reality, which could allegedly be understood only with human mind and science based only on empiricism. God is not needed for people to answer questions related to the world, life and themselves.<sup>2</sup> This limits the possibility to gain

<sup>1</sup> On non-religious spirituality, cf. A. COMTE-SPONVILLE: *Duchowość ateistyczna. Wprowadzenie do duchowości bez Boga*. Translated by E. ANUSZKIEWICZ. Warszawa 2011.

<sup>2</sup> Cf. R. GUARDINI: *Bóg daleki, Bóg bliski*. Translated by J. KOŹBIAŁ, Poznań 1985, pp. 96—107. To understand the logic of modern dogmatic atheists, cf. R. DAWKINS: *Bóg urojony [The God Delusion]*. Translated by P.J. SZWAJECER. Warszawa 2012; IDEM: *Rozplatanie tęczy. Nauka, złudzenia i apetyt na cuda*. Translated by M. BETLEJ. Warszawa 2001. “To a greater extent than in the past, faith is now being subjected to a series of questions arising from a changed mentality which, especially today, limits the field of rational cer-



a deeper understanding of reality and in the consequence degrades humanity. Additionally, those phenomena are reinforced by the echo of atheistic ideologies such as socialism, Marxism, communism, and nowadays also gender mentality and promotion of immoral conduct.

Apart from that, post-war Euro-Atlantic civilization experiences significant development in the socio-economic sphere. Indicators of the development mentioned before are: improvement of the quality and length of life, increase in wealth with smaller amount of labour, investment in one's own development, increasing amounts of free time. Unfortunately, all this is linked with a serious demographic crisis and disrupted vision of marriage, family, and values.<sup>3</sup> All the mentioned changes lead to the impoverishment of life which is embodied by the short-sighted vision of one's own existence. Consequences of such attitudes are accurately pinpointed by the Cardinal Angel Aquia: "If we do not expect anything serious from our life, happiness seems to be a way out; actualisation of life is given to fortune or a big industry focused on survival."<sup>4</sup> The changes listed cover almost all communities, no matter of borders, traditions, history and the level of wealth because of the development of communication — the Internet and television especially. In this way people's attitude toward life, religion and other behaviours, not necessarily proper, are shaped. The culture of image and sound is an important tool in the creation of reality. All this leads to the fact that people try to decide about themselves in all dimensions, including religious one.

## 1.2. Tendencies in Polish Catholicism

Changes described above overlap one another, often generating visible changes in Christianity, pastoral practices, spiritual activities, religiousness, understanding of the Church and Her mission. This demands a proper analysis followed by theological evaluation. It would be valuable to start

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tainties to that of scientific and technological discoveries. Nevertheless, the Church has never been afraid of demonstrating that there cannot be any conflict between faith and genuine science, because both, albeit via different routes, tend towards the truth." — BENEDICT XVI: Apostolic letter *Porta fidei*, 12. Translation after vatican.va.

<sup>3</sup> J. KERKHOFS: "Europa, którą spotykają Kościoły." Translated by L. WORONIECKI. In: *Nowa ewangelizacja. Kolekcja Communio* no. 8. Poznań 1993, pp. 58—66.

<sup>4</sup> A. SUQUIA: "Nowa ewangelizacja: niektóre zadania i niebezpieczeństwa doby obecnej." Translated by L. BALTER. In: *Nowa ewangelizacja. Kolekcja Communio* no. 8. Poznań 1993, p. 35.

from statistical data. The newest compiled data concerns 2015. According to the research conducted by Polish Statistical Institute of the Catholic Church, the index of *dominantes* (percentage of Catholics attending the Sunday mass compared to the number of parishioners obliged to do so) equals 39.8%, while *communicantes* (percentage of Catholics receiving the Holy Communion) amounts 17%. The total number of Catholics in Poland equals 32.7 million from which 2.7 million of emigrants should be subtracted. In the year under review 369 thousands people received Baptism, 360 thousands — Confirmation, over 270 thousands children received the Holy Communion for the very first time; finally, 134 thousands of sacramental marriages were blessed.<sup>5</sup> Among whole Polish society, 2.6% deems themselves non-believers.<sup>6</sup> Analysis of the data leads to the following conclusions: Catholics' religiousness is tightly related to the sacraments of Christian initiation and to marriage. Regular attendance of the Sunday Mass and weekly receipt of the Holy Communion are still a challenge, although the number of *communicantes* rose significantly compared to more than twenty previous years. The high number of irregular attendants of the liturgy with simultaneous scarcity of the self-declared irreligious prove that the majority of the non-practicing does not negate the existence of God nor the religion in general, but does not maintain close relations with the Church and the clergy and does not engage in sacramental life. Therefore, the following can be inferred: The Church should strengthen the faith of the zealous, but also should take up concrete actions for those lapsed from liturgical and ecclesial life (evangelization oriented towards individuals). Activities aimed at raising the number of *communicantes* and of marriages blessed in the Church (total marriages blessed in Poland equals 188,488), at strengthening marriages (in 2014 there were 65,761 divorces, which equals to 7.3% of all marriages).<sup>7</sup> To make the study more comprehensive, it is necessary to include the index of so-called *participantes* — the percentage of the faithful that are members of religious organizations compared to the number of Catholics in the parish. In 2014 they amounted to 2.5 million people. The number, although bigger than in the 1990s, cannot be described as satisfying.<sup>8</sup>

<sup>5</sup> *Annuario Statisticum Ecclesiae in Polonia AD 2016*. Ed. W. SADŁOŃ. Warszawa 2017, pp. 4.13—19. [www.iskk.pl/images/stories/Instytut/dokumenty/AnnuarioStatisticum2016.pdf](http://www.iskk.pl/images/stories/Instytut/dokumenty/AnnuarioStatisticum2016.pdf) (access: 6.01.2017).

<sup>6</sup> GŁÓWNY URZĄD STATYSTYCZNY: *Życie religijne w Polsce*. At: [www.stat.gov.pl/obszary-tematyczne/inne-opracowania/wyznania-religijne/zycie-religijne-w-polsce,3,1.html](http://www.stat.gov.pl/obszary-tematyczne/inne-opracowania/wyznania-religijne/zycie-religijne-w-polsce,3,1.html) (access: 12.12.2016).

<sup>7</sup> GŁÓWNY URZĄD STATYSTYCZNY: *Rocznik Demograficzny 2015*, pp. 185—187. At: [www.stat.gov.pl/obszary-tematyczne/roczniki-statystyczne/roczniki-statystyczne/rocznik-demograficzny-2015,3,9.html](http://www.stat.gov.pl/obszary-tematyczne/roczniki-statystyczne/roczniki-statystyczne/rocznik-demograficzny-2015,3,9.html) (access: 12.12.2016).

<sup>8</sup> *Annuario Statisticum Ecclesiae in Polonia AD 2017*, pp. 4, 20—22.

Simultaneously, an evangelization movement in Poland can be observed. There is an increase in the number of movements and associations, especially evangelizing and formation communities, such as: the Light-Life Movement, the Neocatechumenal Way, Catholic Charismatic Renewal, Community of Christ Resurrected Galilea, Community Friends of the Bridegroom, School of Evangelization Cyril and Methodius, Community Covenant of Marriages Mamre.<sup>9</sup> The large number of different groups accepted by the Church hierarchy is impressive and proves the living faith of the baptized.<sup>10</sup> The service of the Schools of Evangelization San Andres as well as this of other schools of New Evangelization, some connected with the Light-Life Movement (e.g., Centrum Duchowości Ruchu Światło-Życie in Tychy) and Mocni w Duchu, is particularly visible. Also, the number of Catholics engaged in country-wide initiatives such as Przystanek Jezus, Jezus na Stadionie and subsequent Kongres Nowej Ewangelizacji (Congresses of the New Evangelization) in Kostrzyń 2012, Warsaw 2013, and Skrzatusz 2015, is particularly significant. A meaningful sign for the Church was the establishment of Polish Episcopal Conference's committee for the New Evangelization.

Furthermore, the contribution of Rodzina Radia Maryja (Family of Radio Maryja) to the shaping of Polish Catholics' identity and charitable actions of Polish and diocesan *Caritas* and of particular parishes are notable. Catholic education on different levels is in development. Also, different forms of traditional ministry (e.g., rosary groups) gather lots of faithful. What is more, there is a development in all-day adoration of the Holy Sacrament and celebration of the Sacrament of Penance.

Apart from that, in Poland there are also dangerous tendencies in the religiousness. On the one hand, putting too much stress on matters connected to demonic activities and to different dangers, and emergence of magical understanding of sacraments — in particular usage of so-called exorcized water.<sup>11</sup> A sign of this was spreading of the practice of “gate confession” (a practice focused too much on the first commandment), the concept of so-called intergenerational sin and intergenerational healing. Polish Episcopacy needed to take action and so forbade the enumerated

<sup>9</sup> Communities listed as examples are not local but cross-diocesan although they have a standardized formation.

<sup>10</sup> *Zgłoszone środowiska Nowej Ewangelizacji* [Registered communities of the New Evangelization]. At: [www.nowaewangelizacja.org/spolecznosc/wykaz](http://www.nowaewangelizacja.org/spolecznosc/wykaz) (access: 20.12.2016).

<sup>11</sup> It is worth noting that contemporary liturgical books do not use the term *exorcized water* but *blessed water*. The term *exorcized water* itself had its source in the prayer from before the council *Exorcizo te, creatura aquæ*, but it has no theological explanation — exorcisms concern possessed people and not objects. Thus, such a term should be withdrawn from use, exactly as phrases *exorcized oil* and *exorcized salt*.

practices above<sup>12</sup> to put theological truths regarding demonical activities and consequences of evil in proper order. On the other hand, we need to see groups that are in the opposition to the contemporary Church, often linking what is religious to politics, and keeping the vision of Poland as the Christ of Europe (e.g., extreme enthronization movement).<sup>13</sup>

Worth mentioning is the phenomenon of the conversion from Catholicism to Evangelical communities, although in Poland it does not happen on a massive scale. Similar to Latin America, reasons behind this are: radicalism of life, reductionism, fundamentalism, pietism, emotional worship, sermons that answer people's questions, voluntary affiliation, small communities that fulfil needs of relations, identifying oneself and biblically.<sup>14</sup> The Holy See indicates here also the need of being a member, a sense of community, searching for answers to different life situations, holistic vision of life, searching for identity, the need to be noticed, searching for transcendence, spiritual leader, vision and the need of being engaged into something. Thus, revision of the feeling of communality, proper and continuous formation, personal and integral approach, enculturation, changes to prayer and worship (liturgy) and co-participation of the faithful — also as leaders.<sup>15</sup> Somehow, these indications should be also recognized in Poland as more and more people are searching for deeper biblical and spiritual life.

## 2. Pastoral and theological foundations of the New Evangelization

The Church tries to find methods to fulfil its mission in the contemporary world. It is often connected to re-examination of existing forms

<sup>12</sup> KONFERENCJA EPISKOPATU POLSKI: *Decyzja KEP w sprawie tzw. spowiedzi furtkowej*. In: [www.episkopat.pl/decyzja-kep-w-sprawie-tzw-spowiedzi-furtkowej](http://www.episkopat.pl/decyzja-kep-w-sprawie-tzw-spowiedzi-furtkowej) (access: 31.12.2016); KOMISJA NAUKI WIARY KONFERENCJI EPISKOPATU POLSKI: *Grzech pokoleniowy i uzdrowienie międzypokoleniowe. Problemy teologiczne i pastoralne*. At: [www.episkopat.pl/grzech-pokoleniowy-i-uzdrowienie-miedzypokoleniowe-problemy-teologiczne-i-pastoralne](http://www.episkopat.pl/grzech-pokoleniowy-i-uzdrowienie-miedzypokoleniowe-problemy-teologiczne-i-pastoralne) (access: 31.12.2016).

<sup>13</sup> See [www.regnumchristi.com.pl/index.php?mod=parafia](http://www.regnumchristi.com.pl/index.php?mod=parafia) (access: 4.02.2016).

<sup>14</sup> O. D. SANTAGADA: "Charakterystyka oraz sytuacja sekt i niezależnych grup religijnych." In: O.D. SANTAGADA, E. BRAVO et al.: *Wspólnoty kościelne, niezależne grupy religijne, sekty na przykładzie Ameryki Łacińskiej*. Translated by A. KAJZEREK. Warszawa 1995, pp. 17—25.

<sup>15</sup> "Sekty albo nowe ruchy religijne. Wyzwanie duszpasterskie." *L'Osservatore Romano* (Polish edition) [further on: OR] 7 (1986) no. 5 (79), pp. 3—5.

of devotion, pastoral practices and ways of Gospel proclamation. This is so-called New Evangelization which includes theology, spirituality and pastorship

## 2.1. Notion of the New Evangelization in the context of spirituality

Modern man and modern times demand modern ways of spreading the Gospel, of the Church's faith repository presentation and of introducing others into personal faith experience. That is where new methods are needed today.<sup>16</sup> John Paul II explained that the New Evangelization is not that much about evangelizing again, but more about spreading the Gospel,<sup>17</sup> which is always current and which always brings novelty, in new ways and styles.<sup>18</sup> Primarily, it concerns the already existent local churches, while the pastoral novelty is implied by the nature of mission and by acceptance of modern times, but not disregarding the loyalty to the Revelation. It includes spreading the faith every day, although in new ways. Cardinal Tarcisio Bertone expressed this need of the Church by saying: "Originality is about the method or form of evangelization. This need for new approach to evangelization, both in manners and character, results from a new historical fact: new situation of Christian countries and cultures where the Gospel was preached in the past."<sup>19</sup> The New Evangelization is therefore especially important in case of people mature in faith being too few. It is noted that many circles of the baptised lack the faith in the power of the Gospel. Benedict XVI described this writing "not only are there many peoples that have not learnt the Gospel, but also many Christians need to have the Word of God proclaimed with confidence and to be able to experience its power. So many of our brethren

<sup>16</sup> Already in 1976 did then cardinal Wojtyła note during the Polish Episcopal Conference's panel for apostolate: "Traditional parish after the Council of Trent is a parish with a centre — with one responsible subject. There is an active Church, magisterial Church of pastors among many faithful who are passive and there only to listen. Transformation of such a parish into a community which shares the responsibility is a natural task to be faced today." — P. J. CORDES: "Nowa ewangelizacja w rozumieniu Jana Pawła II." At [www.opoka.org.pl/biblioteka/Z/ZM/or201204-nowaew.html](http://www.opoka.org.pl/biblioteka/Z/ZM/or201204-nowaew.html) (access: 20.12.2016).

<sup>17</sup> "Ewangelia zawsze nowa," [www.nowaewangelizacja.org/ewangelia-zawsze-nowa](http://www.nowaewangelizacja.org/ewangelia-zawsze-nowa) (access: 20.12.2016).

<sup>18</sup> JOHN PAUL II: *Encyclical Veritatis splendor*, n. 106. In: *Encykliki ojca świętego Jana Pawła II. Tom II*. Eds. S. MAŁYSIAK et al. Kraków 1996, p. 623.

<sup>19</sup> "Ewangelia zawsze nowa..."

are *baptised, but so few are evangelised.*<sup>20</sup> Thus, there are many Catholics from the sociological point of view, but not all of them have experienced Christ, live the Gospel and side with Jesus in their lives.<sup>21</sup> Additionally, the New Evangelization is also targeted at people whose relations with the Church are declining or have already faded away. John Paul II noticed the situations “when whole groups of the baptised lost the live sense of faith or openly deny their membership in the Church, leading their lives far from Christ and His Gospel.”<sup>22</sup>

Here it is important to remember about the fact that the New Evangelization is not only about new methods and forms of expressions and not only about spectacular ways of attracting people.<sup>23</sup> The source of missionary fruitfulness is spiritual awakening and discovering the abundance of the Gospel anew. Hence, “there will be no new evangelization without new Pentecost”<sup>24</sup> — without a new experience of the power of the Holy Spirit who makes all of the faithful authentic witnesses of the Gospel. This way the New Evangelization is intertwined with personal and communal conversion, rebuilding of the deep relations with Jesus, living with God’s grace, with the power of the Word of God and of the sacraments. This is not only about devotion and moral correctness, but about the power of faith leading to what was happening at the beginning of Church’s history.<sup>25</sup> This was outlined by the Latin American and Carib-

<sup>20</sup> BENEDICT XVI: Apostolic exhortation *Verbum Domini*, 96.

<sup>21</sup> D. REY: “Definicja nowej ewangelizacji i wyzwania stojące na jej drodze.” Translated by A. KOMOROWSKA. In: *Nowa ewangelizacja. Kerymatycznym impuls w Kościele*. Eds. P. SOWA, K. KAPROŃ. Gubin 2012, p. 36.

<sup>22</sup> JOHN PAUL II: Encyclical *Redemptoris missio*, 33. In: *Encykliki Ojca świętego Jana Pawła II. Tom I*. Eds. S. MAŁYSIAK et al. Kraków 1996, p. 407. “Over the years, I have often repeated the summons to the *new evangelization*. I do so again now, especially in order to insist that we must rekindle in ourselves the impetus of the beginnings and allow ourselves to be filled with the ardour of the apostolic preaching which followed Pentecost...” — JOHN PAUL II: Apostolic Letter *Novo millennio ineunte*, 40. Translation after vatican.va.

<sup>23</sup> “However, there is a certain temptation — a temptation of impatience, of pursuing immediate success and great numbers. But this is not a God’s method. [...] To take up new evangelization means [...] taking up the courage to begin anew, with humility from a small seed and to allow God to decide when and how it is to grow.” — J. RATZINGER: *Nowa ewangelizacja*. At: [www.opoka.org.pl/biblioteka/W/WR/inne/ratzinger\\_ewangelizacja.html](http://www.opoka.org.pl/biblioteka/W/WR/inne/ratzinger_ewangelizacja.html) (access: 2.01.2017).

<sup>24</sup> J.L. MOENS: “Na czym polega nowa ewangelizacja?” Translated by K. KAPROŃ. In: *Nowa ewangelizacja. Kerymatycznym impuls w Kościele*, p. 33.

<sup>25</sup> This expectation is expressed by one of the collects in the Mass of the Holy Spirit: “O God, you sanctify your Church of multiple nations and countries, bestow whole Earth with the gifts of the Holy Spirit so that your grace dwells in the hearts of the faithful as it was in the beginning of the Gospel’s proclamation.” — *Mszał Rzymski dla diecezji polskich*. Second extended edition. Poznań 2010, p. 190.

bean Episcopate: "It is not with excellent projects and structures, but with new men and women who incorporate the tradition and novelty as the disciples of Jesus Christ, as missionaries of His Kingdom, and as participants of the new life..."<sup>26</sup>

New social situation and contemporary functioning of men effects not only the ways of Gospel and Christian doctrine proclamation, but also demands renewed spirituality. Personal experience of intimacy with God, His love and mercy, and of free salvation offered by Christ are the main principles here. Spiritual life should begin not only with the tradition and rules learnt, but also with the meeting with God in personal conversion. This encourages the Church to adopt new ways of expression and devotion. Then, some practices disappearing and some arising is something natural. If the sense of the sacred and the aim of building the relationship with Jesus are preserved, then breaking up with some activities will not be a sign of crisis and will not lead to one. That is why an accusation of some groups that teachings of the Second Ecumenical Council of the Vatican and following reforms lead to crisis of faith in Western Europe is not fair. The crisis has its roots in the lack of faith. If people abandon practices and clergymen commit abuses, then it is a testimony of an already existent crisis. Nowadays, rebuilding of the pre-conciliar religiousness or forms of the Church's existence will be ineffective. However, being truly open for the new breath of the Spirit, taking root in the Bible and sacramental life while being oriented to the desired novelty are necessary.

## 2.2. Biblical foundations

Speaking about the New Evangelization, it is worth to look at God's manner of presenting the Revelation already in Israel. God manifested Himself not only by inspiring the prophets, but also employed redemptive deeds and signs (e.g., the pillar of cloud and fire during the journey through the desert, the symbolic parts of the Tabernacle and of the Temple) and prophetic signs such as the marriage of Hosea with a prostitute signifying the love of God towards his unfaithful peoples. Later records and prophetic visions related to human imagination and experiences (e.g., the vision of bones' resurrection in the Book of Ezekiel, plastic images in the Books of Daniel and of Zechariah).

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<sup>26</sup> *Aparecida. V Ogólna Konferencja Episkopatów Ameryki Łacińskiej i Karaibów. Dokument końcowy.* Translated by K. ZABAWA, K. ŁUKOSZCZYK. Gubin 2014, p. 11.

However, it was Jesus who primarily invoked human condition and perception.<sup>27</sup> First of all, it is the very Incarnation of Word that became the fullest sign of God's love that enters human reality through the humanity of the Son of God. Jesus' intimacy with people is the most important witness of the New Evangelization. By forming relations with His listeners, by participating in their lives and by accompanying them in their chores and experiences, He took every opportunity for evangelizing. He preached not only using purely intellectual messages, but He supplemented them with clear redemptive actions, for instance, healing of the sick, freeing of the possessed, forgiving the sinners and even resurrecting the dead. His message was directed to particular social groups: the Pharisees and the Scribes, the marginalized and the excluded (e.g., the sinners, the tax collectors, the Samaritan), the crowds (e.g., when loaves of bread were multiplied) and small groups (teaching the Disciples and the Apostles). The method of preaching the Gospel includes differences depending on the traits of a specific audience, for example, while speaking to the Israeli hierarchs of the time, He quoted the Bible; while meeting with the fishermen, He invoked images connected to their work; while preaching to the farmers, He used comparisons involving soil and seeds. What He did was also presenting actions to illustrate His words (e.g., throwing the grains or taking children in His arms) and acting prophetic signs (e.g., washing Disciples' feet). Simultaneously, He asked questions, repeated and was a role model for others.<sup>28</sup> This brought His audiences into a deeper experience of meeting with God.

Jesus also created and used appropriate atmosphere for teaching on religious matters and mystagogy itself. The intense meeting with Nicodemus, the Apostles' experience of Pentecost and miracles done in front of small groups of people can all be listed as examples. At the same time, it can be noted that Jesus' pedagogy leads to a progressive formation. At first there is a crowd, then a group of people, the Twelve, three closest Disciples (Peter, James and John), and finally a personal meeting with Christ. Here the model of evangelization service and of modern Church's spiritual life is disguised — initially, a place for a large group of people is needed, from which those instructed closer may accept a particular truth. This is how the model of discipleship characteristic for Jesus' way of teaching is realized. After an intimate meeting with Christ, through conversion of man and being student in a community, one can engage in missionary service. Today such paradigm is still up to date.<sup>29</sup>

<sup>27</sup> Cf. A.F. WRIGHT: *Jezus Ewangelizator. Ewangeliczny przewodnik po nowej ewangelizacji*. Translated by K. ZABAWA. Gubin 2015.

<sup>28</sup> Cf. J.H. PRADO FLORES: *Formacja uczniów*. Translated by M. BIGIEL. Łódź 1992, pp. 11–16.

<sup>29</sup> *Aparecida...*, 278.



Evangelization mentality is also a part of apostolic Church's witness. Respect for Jewish tradition was characteristic for the early community of Jerusalem. Simultaneously, trying to accommodate the gentiles forced the Church to revise its earlier sensibility, for example, concerning consumption of pork (Acts 15:22—29). The Christians became freer and focused more on evangelization. Therefore, St. Paul declared: "Woe to me if I do not preach the gospel!" (1 Cor 9:16b). Further on, he preached by any means, to all peoples and cultures, creating communities. He participated in the experiences of his audience (cf. Rom 12:15). Respect towards other cultures and trials of spreading the Gospel in an understandable language, for instance, evangelization on the Areopagus (see Acts 17:15—34), were also a sign of missionary mentality.

### 2.3. Theological foundations

The New Evangelization is justified theologically, especially in the teachings of the Magisterium of the Catholic Church. Through the last decades there were trials to describe the New Evangelization in order to present its theology, especially ecclesiology. There is no question of breaking away from the current mission of the Church. It is all about its revision in the context of today's circumstances. That is why Benedict XVI reminded us about the dynamic continuity between the early preaching and the current one. Thus, the New Evangelization means searching for new ways to make proclaiming of salvation efficient.<sup>30</sup> This emerges from the identity of the Church that aims at following the Great Commission (Matt 28: 19—20). It is possible only with the presence of Jesus Christ and the Holy Spirit among the baptised.

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<sup>30</sup> "Esiste una continuità dinamica tra l'annuncio dei primi discepoli e il nostro. Nel corso dei secoli la Chiesa non ha mai smesso di proclamare il mistero salvifico della morte e risurrezione di Gesù Cristo, ma quello stesso annuncio ha bisogno oggi di un rinnovato vigore per convincere l'uomo contemporaneo, spesso distratto e insensibile. La nuova evangelizzazione, per questo, dovrà farsi carico di trovare le vie per rendere maggiormente efficace l'annuncio della salvezza, senza del quale l'esistenza personale permane nella sua contraddittorietà e priva dell'essenziale." — BENEDICT XVI: *Discorso del Santo Padre Benedetto XVI ai partecipanti all'assemblea plenaria del Pontificio Consiglio per la Promozione della Nuova Evangelizzazione*. In: PONTIFICIO CONSIGLIO PER LA PROMOZIONE DELLA NUOVA EVANGELIZZAZIONE: *Enchiridion della nuova evangelizzazione. Testi del Magistero pontificio e conciliare 1939—2012*. Città del Vaticano 2012, p. 1250.

The New Evangelization has various dimensions. Benedict XVI indicated that the accent should be put on everyday ministry (with the goal of enlivening the faithful with the fire of the Spirit and by engaging them in the mystery of Jesus Christ<sup>31</sup>), on appealing to the baptised who do not live Christian lives (the goal being a meeting with Jesus Christ, discovering the happiness coming from faith and returning to the life of the Church) and on attempts of reaching those living far from the Church and searching for purpose and happiness outside of it.<sup>32</sup>

### 3. Current expressions of the New Evangelization spirituality and ministry

The New Evangelization changes neither the Word of God nor the Tradition, but accentuates new theological and pastoral aspects. This leads to new understanding of methods to express faith and forms of religious experience. Among its elements, focus on kerygma, witness, communality, biblicality, charisms and mission should be listed.

#### 3.1. Kerygma

The very first marker of the New Evangelization spirituality is kerygma-preaching — basic teachings about God’s love, about Jesus’ redeeming the faithful and the converted for free and about living with the Holy Spirit and with a community. Joseph Ratzinger mentioned conversion,<sup>33</sup>

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<sup>31</sup> BENEDICT XVI: Homily *Kościół jest zaczynem odnowy*. OR 31 (2010) no. 8—9 (325), p. 43; IDEM: Angelus Address *Św. Szczepan jest wzorem dla wszystkich, którzy pragną służyć nowej ewangelizacji*. OR 34 (2013) no. 2 (350), p. 12.

<sup>32</sup> BENEDICT XVI: Homily *Światłość otwierająca człowiekowi oczy*. OR 33 (2012) no. 12 (348), p. 38.

<sup>33</sup> “Thus, to convert means not to live like everybody, not to act like everybody [...]; but to see one’s life with the God’s eyes; [...]. By diminishing Christianity to the level of morality, we disregard the nature of Christ’s message — the gift of new relationship, of communion with Jesus and at the same time with God.” — J. RATZINGER: *Nowa ewangelizacja*. At: [www.opoka.org.pl/biblioteka/W/WR/inne/ratzinger\\_ewangelizacja.html](http://www.opoka.org.pl/biblioteka/W/WR/inne/ratzinger_ewangelizacja.html) (access: 2.01.2017).

Heavenly Kingdom,<sup>34</sup> Jesus Christ,<sup>35</sup> and eternity directing life as indispensable elements of evangelization.<sup>36</sup> Thus, kerygma is a basic foundation of faith, addressed at human will that allows one to take specific decisions of following Christ while listening to the Gospel.<sup>37</sup> Individual aspect is stressed here. The profession: *God loves me, I am a sinner, I am redeemed by Jesus, I believe and want to convert, I profess Jesus as my Lord and Saviour*. Benedict XVI confessed that “at the beginning of being a Christian there is no ethical dilemma or a great cause, but there is a meeting with an event, with a Person who creates a new point of view on life and gives a new pivotal direction.”<sup>38</sup> That is why the person and works of Jesus Christ need to be preached.<sup>39</sup> Direct teaching, the power of evangelizers’ witness, focus on the fundamentals are all specific to such ministry. It should be accompanied with charismatic ministry and with an experience of a community.

In this view we need to distinguish kerygma from catechesis which concentrates on the doctrine, leaning slightly to the kerygma. Its goal is development of faith and one’s identification with the Church as a community of faith, worship and salvation. Therefore, it is unacceptable to assume that the catechumens had already been evangelized as many of the baptised have no personal experience of God and faith has no impact on their everyday lives. Hence, teaching dogma and morality without earlier conversion does not cause expected results. So, the claim of *pastoral conversion* demands reconstruction of Church’s whole pastoral activity.

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<sup>34</sup> “Theocentrism is a foundation of Jesus’ message and thus should be the heart of new evangelization” — *ibidem*.

<sup>35</sup> “[...] Only in Christ and through Christ can the notion of God be specific [...]. The temptation to reduce Jesus Christ, the Son of God, to a merely historical person” — *ibidem*.

<sup>36</sup> “[...] only when the measure of our life is the eternity, also our life on earth is great and has infinite value. God is not a competition for our life, but the guarantee of our greatness” — *ibidem*.

<sup>37</sup> Cf. J.H. PRADO FLORES, C. MUCIAS DE CUEVAS: *Paweł. Formacja ewangelizatorów*. Translated by WSPÓLNOTA CHRYSYTA ZMARTWYCHWSTAŁEGO “GALILEA”. Stryszawa 2011, pp. 24—025.

<sup>38</sup> BENEDICT XVI: Encyclical *Deus caritas est*, 1. “In fact the proclamation only reaches full development when it is listened to, accepted and assimilated, and when it arouses a genuine adherence in the one who has thus received it.” — PAUL VI: Apostolic adhortation *Evangelii nuntiandi*, 23. Translation after vatican.va.

<sup>39</sup> S. HAHN: *Nieście i przyjmujcie Dobra Nowinę. Wyzwania Nowej Ewangelizacji*. Translated by M. BILIKIEWICZ. Poznań 2015, pp. 70, 75—77.

### 3.2. Witness

An essential part of the New Evangelization spirituality is believers' witness. Primarily the witness of life is meant here. This was reminded by Benedict XVI who wrote: "The renewal of the Church is also achieved through the witness offered by the lives of believers: by their very existence in the world, Christians are called to radiate the word of truth that the Lord Jesus has left us."<sup>40</sup> Hence, the witness of conduct is not enough — one has to explain the motives for their particular way of life which is relation with Jesus. Only then we can speak about evangelization.<sup>41</sup> Suggestions of having values shared by all are not enough.

This witness also involves being engaged in social and political life. It especially relates to the actions in favour of respect for human dignity, respect for life, religious freedom, defence of traditional families, serving the social order, respect for others' material welfare and evangelization of culture.<sup>42</sup> Involvement of the laymen is therefore necessary. It empowers the Church to reach further and attract more followers. So, the mission of animators, catechists and other Catholics, who are not only the object but also the subject of ministry, is very important.

### 3.3. Communality

Existence of small communities is the next trait of modern Church. According to Benedict XVI, "the ecclesial movements and the new communities are a great force for evangelization in our times and an incentive to the development of new ways of proclaiming the Gospel."<sup>43</sup> The communities are an ideal space for growth in the religious experience, biblical and theological knowledge. They are a very specific form of experiencing the brotherhood of the baptised and identification with the Church.

<sup>40</sup> BENEDICT XVI: Apostolic letter *Porta fidei*, 6.

<sup>41</sup> "[...] belief as a private act. Faith is choosing to stand with the Lord so as to live with him. This *standing with him* points towards an understanding of the reasons for believing" — *ibidem*, 10; "There is no true evangelization if the name, the teaching, the life, the promises, the kingdom and the mystery of Jesus of Nazareth, the Son of God are not proclaimed" — PAUL VI: Apostolic Letter *Evangelii nuntiandi*, 22. Translations after vatican.va.

<sup>42</sup> Cf. JOHN PAUL II: Apostolic exhortation *Christi fideles laici*, 32—44.

<sup>43</sup> BENEDICT XVI: Apostolic exhortation *Verbum Domini*, 94.

Simultaneously, the believers may follow their calling to be a missionary. However, an always current challenge is connecting the associations and communities with parishes and the universal Church. It is a responsibility of the diocesan bishop who needs to show the way, correct mistakes and support cooperation between multiple subjects. It has to be added that the communities realize the unity of the Church with multiple callings, various forms of spirituality and types of ministry. Consequently, diverse movements and communities cannot be consolidated.

### 3.4. Biblicality

The word of God, closely linked to evangelization, is a foundation of Christian life. Thus, as was said by Benedict XVI, “Recovering the centrality of the divine word in the Christian life leads us to appreciate anew the deepest meaning of the forceful appeal of Pope John Paul II: to pursue the *missio ad gentes* and vigorously embark upon the new evangelization. [...] May the Holy Spirit awaken a hunger and thirst for the word of God, and raise up zealous heralds and witnesses of the Gospel.”<sup>44</sup> However, it is not just about the intellectual knowledge of the Bible, although it is necessary for official teaching of the Church and is helpful for the lay evangelizers.<sup>45</sup> Spirituality of the New Evangelization demands the observation of effectiveness of the divine word which needs to be again proclaimed without fear and with confidence.<sup>46</sup> The New Evangelization communities discover the profoundness of the Word of God through referring it to everyday life situations. Many publications of Catholic and Protestant authors on the relation between the Bible and life are helpful for them.

Formation in the New Evangelization communities is also focused on the Scripture. Examples include deuterocathechumante way of the Light-Life Movement, especially the everyday practice of the Tent of Meeting,<sup>47</sup> tripod of the Neocatechumenal Way: Scripture-Liturgy-Community,<sup>48</sup> biblicality of the spirituality and courses organized by St. Andrew Schools

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<sup>44</sup> Ibidem, 122.

<sup>45</sup> “In order to achieve the goal set by the Synod, namely, an increased emphasis on the Bible in the Church’s pastoral activity, all Christians, and catechists in particular, need to receive suitable training” — ibidem, 75.

<sup>46</sup> Ibidem, 96.

<sup>47</sup> Cf. F. BLACHNICKI: *Namiot Spotkania*. Krościenko 2000.

<sup>48</sup> *Droga Neokatechumenalna. Statut. Zatwierdzenie definitywne*. Lublin 2008, art. 11—18, pp. 34—43.

of New Evangelization (biblicality of their teachings, Bible always being on display during their meetings), projects of Spiritual Formation Centre organized by the Salvatorians. All the practice cause a visible enlivening of biblicality in Poland.

### 3.5. Charisms

The New Evangelization leads to discovering the Holy Spirit anew. For most communities, the basic moment in this area is so-called Baptism with the Holy Spirit (renewal in the Holy Spirit) which results in a love of Bible, prayer, sacraments, and evangelization. For Catholics it is a renewal of the graces received during Baptism with water.<sup>49</sup>

Simultaneously, one opens themselves on charisms — graces serving evangelization, building of the Church and responding to world's needs. Second Vatican Council, while describing hierarchical and charismatic graces, underscored that the Holy Spirit “distributes special graces among the faithful of every rank. By these gifts He makes them fit and ready to undertake the various tasks and offices which contribute toward the renewal and building up of the Church.”<sup>50</sup> These gifts should be accepted, supported, discerned and, most importantly, used in appropriate ways.<sup>51</sup> This relates especially to the charisms of healing, prophecy, liberation from and discernment of spirits. Likewise, it is important to discern and confirm the natures of particular communities or pastoral projects.<sup>52</sup> In this way the hierarchy and the charismatic ministry cooperate and the Church preserves its sound doctrine without losing its authentic life and missionary capabilities.

<sup>49</sup> Many a time can we call the baptism, repeating after Thomas Aquinas, *bound*, since “the effects [of the sacrament] are blocked, its fruits not utilized, because some prerequisites are missing.” — R. CANTALAMESSA: “Chrzest w Duchu — wylanie łaski.” Translated by M. TARNOWSKA. In: “Jak żyć w Duchu Świętym.” *Zeszyty Odnowy w Duchu Świętym* 23/1998. Eds. L. SŁUP et al. Kraków 1998, p. 22.

<sup>50</sup> SECOND VATICAN COUNCIL: *Lumen gentium*, 12.

<sup>51</sup> “They are in fact a singularly rich source of grace for the vitality of the apostolate and for the holiness of the whole Body of Christ, provided that they be gifts that come truly from the Spirit and are exercised in full conformity with the authentic promptings of the Spirit.” — JOHN PAUL II: Adhortacja apostołska *Christifideles laici*, 24. Translation after vatican.va.

<sup>52</sup> Cf. CONGREGATION FOR THE DOCTRINE OF FAITH: *List Iuvenescit Ecclesia do Biskupów Kościoła katolickiego na temat relacji między darami hierarchicznymi a charyzmatycznymi dla życia i misji Kościoła*. At: [www.episkopat.pl/relacja-miedzy-darami-hierarchicznymi-a-charyzmatycznymi-list-kongregacji-nauki-wiary](http://www.episkopat.pl/relacja-miedzy-darami-hierarchicznymi-a-charyzmatycznymi-list-kongregacji-nauki-wiary) (access: 20.12.2016).

Obviously, any manifestations of charismania or abuse of service with gifts are morbid, but such local abnormalities should not become a reason to distance oneself from the true gifts of the Spirit. It is necessary to renounce established stereotypes and one's own concepts. This is why Francis said that "God's word is unpredictable in its power. [...] The Church has to accept this unruly freedom of the word, which accomplishes what it wills in ways that surpass our calculations and ways of thinking."<sup>53</sup> On that account, the accusation that Catholicism becomes pentecostalized is absurd since<sup>54</sup> exercising the gifts of the Spirit is the very essence of the Church.

### 3.6. Missions

Missions are the nature of the Church as it exists for evangelization.<sup>55</sup> Benedict XVI said during a homily upon his papal inauguration "The Church as a whole and all her Pastors, like Christ, must set out to lead people out of the desert, towards the place of life, towards friendship with the Son of God, towards the One who gives us life, and life in abundance."<sup>56</sup> It is not possible without the personal experience of meeting God.<sup>57</sup> That is why a review of all dimensions of Church's activities and redefining them as having an explicit missionary nature, as only the Church as a community of the baptised can proclaim the Gospel and introduce the Gift of Salvation to the people. This obligation belongs not

<sup>53</sup> FRANCIS: Apostolic exhortation *Evangelii gaudium*, 22.

<sup>54</sup> "[...] summons not to put out the Spirit of Mercy and not to artificially oppose Him against the reason; not to suspect evangelisation, adoration and exorcisms to be overly pentecostalized; [...] not to attack the pastors of other dioceses for inviting charismatic priests to serve the part of their community [...]." — P. LIBERA: *Homily for Inauguration of the Year of Mercy in the Diocese of Płock — Cathedral of Płock*, [www.diecezjaplocka.pl/biskup/homilie/homilia-inauguracja-roku-milosierdzia-w-diecezji-plockiej-katedra-plocka](http://www.diecezjaplocka.pl/biskup/homilie/homilia-inauguracja-roku-milosierdzia-w-diecezji-plockiej-katedra-plocka) (access: 3.02.2016).

<sup>55</sup> "This is why the Church is missionary by her very nature. We cannot keep to ourselves the words of eternal life given to us in our encounter with Jesus Christ [...]. Everyone today, whether he or she knows it or not, needs this message." — BENEDICT XVI: Apostolic exhortation *Verbum Domini*, 91. Translation after vatican.va.

<sup>56</sup> BENEDICT XVI: Homily *Wstuchiwać się z całym Kościołem w słowo i wolę Chrystusa*. OR 36 (2005) no. 6 (274), p. 11.

<sup>57</sup> "Before our action of leading people back to God and His Church will be fruitful, we have to come closer to the Lord ourselves." — T. PETERSON: *Katolicy, powróćcie do Domu. Niezwykły Boży plan na Twoje życie*. Translated by M. BILIKIEWICZ. Poznań 2014, pp. 23—24.

only to the clergy, but to all faithful. The role of the laity is also significant as they “are called to exercise their own prophetic role, which derives directly from their Baptism, and to bear witness to the Gospel in daily life, wherever they find themselves.”<sup>58</sup> This mission cannot be limited to the individual witness of life and words. The New Evangelization brings about a new subject of evangelization — the clergy together with the laity. Their common service is a sign of the whole Church being sent out to the world. Therefore, there are more and more evangelization groups and the shape of retreats and missions in many a parish changes. Fr. Franciszek Blachnicki was an initiator of such activities. He organized evangelization retreats,<sup>59</sup> which are now taken up by multiple communities and Church movements.

Hence, a serious engagement in missions is a trait of spirituality of the New Evangelization. Thus, organizations and communities take up evangelization and formation. This is a natural logic of the Gospel: experiencing God’s love leads to sharing this personal experience which in turn fosters the growth of one’s own faith.<sup>60</sup> It contains dimensions of preaching the Gospel, martyrdom, living the Evangelical Gospels,<sup>61</sup> family life and work ethics. Mercy shown to one’s neighbours is an indispensable part of the mission, as active love strengthens faith and leads to certainty.<sup>62</sup> It is not only about human activities, even the most professional. The experience of the Holy Spirit is necessary.<sup>63</sup>

#### 4. Selected prayer and evangelization activities

The above-mentioned components of the New Evangelization are fulfilled in many pastoral activities which are popular among the faithful. It is necessary to point out primarily the prayers for healing, prayers of worship and the services of prayer for freeing from the influence of bad spirits.

<sup>58</sup> BENEDICT XVI: Apostolic exhortation *Verbum Domini*, 94.

<sup>59</sup> Cf. F. BLACHNICKI: *Rekolekcje ewangelizacyjne. Podręcznik*. Kraków 2013.

<sup>60</sup> Cf. BENEDYKT XVI: List apostolski *Porta fidei*, 7.

<sup>61</sup> *Ibidem*, 13.

<sup>62</sup> “Faith without charity bears no fruit, while charity without faith would be a sentiment constantly at the mercy of doubt.” — *Ibidem*, 14.

<sup>63</sup> “The Church on the day of Pentecost demonstrates [...] this public dimension of believing and proclaiming one’s faith fearlessly to every person. It is the gift of the Holy Spirit that makes us fit for mission and strengthens our witness, making it frank and courageous.” — *Ibidem*, 10.



#### 4.1. Meetings with the prayers for healing

Particular sign of today's awakening in Poland are various prayers for healing, usually animated by charismatic communities. The commission of the Twelve is the biblical foundation here: *Jesus called his twelve disciples to him and gave them authority to drive out impure spirits and to heal every disease and sickness* (Matt 10:1). Prayers over the sick were also an element of the early missions of Jesus' Disciples (cf. Mrk 6:12—13) which was then given as a task to the whole Church and is a part of the nature of evangelization, in line with the promise of signs that would accompany preaching of the Gospel (cf. Mrk 16:17—18).

Obviously, prayer for health of the sick is an experience of the 2000 years' history of the Church. However, this service was quickly limited to liturgical prayers, especially to the sacrament of Anointing of the Sick and expecting spiritual strengthening (since 9th century). The sacrament became popularly associated with a service for the dying.<sup>64</sup> Only after the Second Vatican Council did the awakening cause a return to the charismatic prayer practices, first in the communities of Catholic Charismatic Renewal and then in other similar groups. A notable example was a service by Fr. Émilien Tardif.<sup>65</sup> Along with this experience, prayers over the sick began to be taken up spontaneously, extra-liturgically, often along with prophetic services (word of knowledge). Such prayers became an important expression of today's spirituality and are popular among the faithful. Therefore, they cannot be marginalized or rejected. However, they need to be appropriately animated. Separating them from the environment of evangelization and the wholeness of Christian life, or focusing on the health itself, would not be correct. Taking into account needs of the people, the prayer for healing, connected with evangelization and formation of faith, becomes a valuable form of pastorship.

To preserve a Catholic nature of such meetings, the Congregation for the Doctrine of the Faith, issued an instruction on praying for healing by God. Among the rules listed, there were the following: not merging litur-

<sup>64</sup> P. SAWA: "Biblijne i eklezjalne uzasadnienie modlitwy o uzdrowienie." In: *Cierpienie — tajemnica i wyzwanie*. Ed. A. BARTOSZEK. Katowice 2014, pp. 195—199.

<sup>65</sup> M. PARODI, É. TARDIF: *Dary Ducha Świętego i Nowa Pięćdziesiątnica. Znaki, charyzmat uzdrawiania i cuda*. Translated by J. GREDECKA. Warszawa 1998, pp. 25—27, 31—37. Cf. É. TARDIF, J.H. PRADO FLORES: *Jezus żyje*. Translated by M. BIGIEL. Łódź 1996; É. TARDIF, J.H. PRADO FLORES: *W ogniu miłości: dookoła świata bez walizki*. Translated by M. BIGIEL. Kraków 2009; É. TARDIF, J.H. PRADO FLORES: *Jezus jest Mesjaszem*. Translated by M. BIGIEL. Łódź 1992.

gical prayers with non-liturgical ones<sup>66</sup>; presenting the proper theology of sickness and suffering and expecting the healing as a messianic sign<sup>67</sup>; preserving the truth about participation of the faithful in Christ's suffering<sup>68</sup>; appropriate approach to sickness and not skipping the natural methods of healing.<sup>69</sup> Moreover, the Congregation distinguished the meetings where people with a possible charism of healing (although such a gift cannot be defined arbitrarily) from events without charismatic service, for instance, employing the liturgical celebrations, Eucharistic adoration or rosary.<sup>70</sup> Apart from that, there were particular disciplinary norms issued<sup>71</sup>: If the prayers take place in sacred sites, it is appropriate that they should be conducted by ministers of the Holy Communion (Art. 1); prayers are qualified as liturgical as long as they have been included in approved books (Art. 2), rites adapted by the Conference of the Bishops and approved by the Holy See (Art. 3); norms issued by a diocesan Bishop (Arts. 4 § 1 and 2) who is to give a clear permission even if other bishops or cardinals are organisers or participants of an event (Art. 4 § 3); obligation of the Bishop to intervene in case of any abuses, scandals or not adhering to liturgical and disciplinary norms (Art. 10); interdiction of mixed liturgical and non-liturgical prayers for healing, although the latter may be included in the moments accordingly provided in the liturgy (Art. 7), even during exorcisms (Art. 8 § 3); registering of such events should take place under the supervision of the diocesan Bishop and of the *Instructions on the use of Mass Media* from 30 March 1992 (Art. 6). Pastorally, the prayers for healing take place during prayer or biblical meeting (art. 5 § 1 and 2). Pastoral wisdom dictates avoiding outbreaks of hysteria, artificiality, theatricality, and sensation (Art. 5 § 3), sustaining the climate of true piety, prudence and collecting objective witnesses of healing and passing them on to competent ecclesial authorities (Art. 9). Exorcisms also cannot be merged into the prayers for healing (Art. 8 § 2). These important instructions demand being applied, along with the care for sacral nature of the meetings with prayer for healing. Thus, an appropriate formation of the faithful by preaching the kerygma and guarding the standards of prayer is a challenge, but builds faith and encourages evangelization with power.

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<sup>66</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH: Instruction *Ardens felicitatis desiderium*. Wrocław 2003, 1–3.

<sup>67</sup> *Ibidem*, 5–9.

<sup>68</sup> *Ibidem*, 11–12.

<sup>69</sup> *Ibidem*, 13–17.

<sup>70</sup> *Ibidem*, 25–30.

<sup>71</sup> *Ibidem*, chapter II.

## 4.2. Worship and music

An important point in the New Evangelization is music and worship. Recent decades have brought significant changes in this sphere. With the establishment of the Light-Life Movement and Catholic Charismatic Renewal, in the Polish Church, a new form of spontaneous, even charismatic, prayer appeared. It is developed further by other communities. Post-conciliar awakening and biblical and communal revival have born fruits to a big group of lay active in the Church's life. Ecumenical contacts, for example with Campus Crusade for Christ, were also significant. Obviously, the doctrine, sacraments, adoration and tradition still do matter for Catholic communities. However, new forms activate the faithful and are becoming popular even among people outside of communities and religious groups.<sup>72</sup>

It is worth noting that the understanding of the worship music is currently changing both among Catholic and Protestant communities which encourages spiritual ecumenism. This relates primarily to hymns slowly being replaced by short biblical chants which are easier to be sung by the whole congregation. Moreover, the chants do not describe any theological dogmas, but express, usually in the present tense, the spiritual state of those praying. The remark by Andrzej Migda is very accurate in this respect: “[...] evangelical Pentecostal songs, with their persuasive influence on the audience, stimulate strong performative inclinations. Their language and distinct present tense stress the relevance of what is being sung about.”<sup>73</sup> Thus, a new way of God's presence adoration is created. Worship music becomes a medium of personal experience of Father's love and salvation. Hence, it is necessary to see such prayers as a method of uniting the faithful, mystagogy, contemplation, opening for healing and freedom.<sup>74</sup> Numerous instruments and various multimedia are employed, which encourages undertaking of the worship prayer. This in turn gains relevance in the context of the new forms of delivering messages to a modern man. The process is global. This is assisted by the popularity of songs by Michael W. Smith, Matt Redman, Chris Tomlin, Kari Brooke Jobe and Hillsong United band belonging to the international Hillsong

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<sup>72</sup> Cf. M. R. CAROTHERS: *Moc uwielbienia. Jak duchowa dynamika uwielbienia przemienia życie*. Translated by J. KISIEL, P. TROJANEK. Częstochowa 2015; J. CAVINS: *Uwielbienie i dziękczynienie. Biblijne klucze do radosnego życia*. Translated by A. BOROWSKA. Kraków 2016.

<sup>73</sup> A. MIGDA: *Mistycyzm pentekostalny*. Kraków 2013, p. 305.

<sup>74</sup> P. SAWA: “Muzyka nowej ewangelizacji a doświadczenie duchowe.” *Studia Pastoralne* 12 (2016), pp. 96—103.

megachurch. A particular impulse in the direction of worship prayer is the environment of prophetic worship in the International House of Prayer in Kansas City<sup>75</sup> with its round-the-clock prayer of songs, prophecies, worship and intercession. This is called a harp and bowl prayer as described in Revelation 5:8—10 and constitutes a spiritual restoration of tabernacle of David.

The meditative prayer and singing, especially the *ostinati* and canons of the Taizé ecumenical community also have a significant influence on today's spirituality. Songs performed, written by Jacques Berthier and Joseph Gelineau, with their short lyrics support meditation of God's word. Simultaneously, they have their place in Catholic, Evangelical and other congregations.

### 4.3. Practicing prayers for freedom

Prayer for freedom and an interest in the issues of demonic influences on the believers are also popular in Poland, which is proven by the number of editions about spiritual dangers, exorcisms, and spiritual freedom. Apart from the official service of the exorcists, spontaneous prayers for freedom of the troubled and the tormented, undertaken both by the priests and the laity based on their baptism, are popular. Although there are some abuses taking place, the communities offering such a service are accurately emphasizing the reality of evil. This was noticed by Joseph Ratzinger who said that “while the reductionist and rationalist theology diminishes the devil and the world of bad spirits into a label involving any subjective danger, in the Charismatic Renewal we declare the new awareness of the reality of Power of the Evil and its dangerous deviousness.”<sup>76</sup>

Among the practices undertaken today, there are: prayer of renunciation, so-called private exorcisms, intercessory prayer for freedom, prayer for freedom with the method of Five Keys.<sup>77</sup> However, the incidental

<sup>75</sup> See [www.ihopkc.org](http://www.ihopkc.org) (access: 30.06.2016).

<sup>76</sup> L. J. SUENENS: “Odnowa w Duchu Świętym i moce ciemności.” Translated by T. MILEWICZ. In: *Przyjdź Duchu Święty. Podstawowe dokumenty dotyczące Odnowy w Duchu Świętym w Kościele katolickim*. Ed. L. J. SUENENS. Kraków 1998, p. 299.

<sup>77</sup> N. LOZANO: *Modlitwa uwolnienia. Część 1*. Translated by M. WÓJCIK. Łódź 2009; N. LOZANO: *Modlitwa uwolnienia. Część 2*. Translated by M. WÓJCIK. Łódź 2009; N. LOZANO, M. LOZANO: *Modlitwa uwolnienia. Część 4. Podręcznik dla posługujących. Jak pomagać innym w odnalezieniu wolności w Jezusie Chrystusie*. Translated by M. WÓJCIK. Łódź 2014.

abuses of overstressing the demonic dimension should not prevent anybody from the appropriate prayers for freedom in their new forms and from maintaining of the incontestable role of the sacraments and Mary's, angels' and saints' intercession in the spiritual combat of the faithful.<sup>78</sup>

## 5. Conclusions

1. Contemporary times call for revision of current religious and pastoral practices because some of them may limit evangelical dynamism. What is more, the ministry in the context of mission forced us to lose the mentality of "having always done things that way."<sup>79</sup> Otherwise, the Church will be closed to introducing the Gospel to people's lives, and will categorize herself as an organizational committee, not as the people of God.

2. Changes of outside form or pastoral priorities cannot be identified with the departure from the truth or from the deposit of faith. The Church must follow Jesus who preached the same message about God's love and eternal life using different methods and forms depending on the audience. The most important is to listen to people, feel their spiritual needs, expectations and what matters most to them. It does not mean to simply fulfil their expectations. That is why it is necessary to reflect over the condition of contemporary priesthood and spirituality. Pastoral goals for specific groups of faithful must be redefined and there is a need to find the best methods of passing faith and mystagogy, and further on of sustaining, shaping and developing of the faith.

3. The New Evangelization brings strong biblical, charismatic, communal, and missionary rejuvenation. This is expressed mostly in the development of spirituality based on a person's choice of faith and more spontaneous prayer. In the area of community's activities, a sign of renewal spirituality is reaching for activities from the Apostolic Church, living an observant life, for example taking part in the prayers for healing and freedom and cheerful worship of God. It influences the relationship with the Lord, according to the rule *lex orandi lex credendi*.

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<sup>78</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH: "List do ordynariuszy miejsca przypominający niektóre normy dotyczące egzorcyzmów." In: *W trosce o pełnię wiary. Dokumenty Kongregacji Nauki Wiary 1966—1994*. Translated and edited by Z. ZIMOWSKI, J. KRÓLIKOWSKI. Tarnów 1995, p. 243.

<sup>79</sup> *Ibidem*, 26.

4. The spirituality of the New Evangelization is linked with the evangelization mission of the Church. Hence, Christians cannot limit themselves to their own experiences, but they should proceed from the meeting with God to their missionary calling.

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PRZEMYSŁAW SAWA

## Is That a Really New Spirituality? Basics and Signs of the Spirituality of the New Evangelization — the Case of Poland

### Summary

The New Evangelization is Church's answer to the changes in the modern world and simultaneously a natural response to the needs of a man. Biblically, theologically and sociologically justified, it encourages to carry out Jesus' Great Commission. This is not only about pragmatism. New understanding of the doctrine and the Tradition, new theological accents and new forms of spirituality change the appearance of the Church, making it more and more evangelical. For this novelty to exist, the New Pentecost and the opening of every baptised (also the clergy) for the new inspirations of the Holy Spirit are necessary.

Hence, there is a biblical, charismatic, and spiritual awakening visible in the Catholic Church after the Second Vatican Council. New communities and movements have been born and undertake the evangelization, prayer, and formation service. New methods of honouring God (through worship) and new ways of service for the suffering (charismatic prayers for healing and for freedom) create an atmosphere of living faith and constitute a space for the evangelization of all the non-believers, the lapsed, and the practicing. These are ways to grow in the grace of God's childhood for the people living sacramental life. In that sense, a new form of Catholic spirituality that encourages transmission of faith, mystagogy and growth, can be described.

New and renewed forms of spirituality bring freshness to the lives of the faithful, encourage intimacy with God and missionary dynamism. This is a way to experience the Apostolic Church but not to imitate it. However, it leads the faithful to the active participation in their vocation.

PRZEMYSŁAW SAWA

## Vraiment une nouvelle spiritualité ? Les fondements et les manifestations de la spiritualité de la nouvelle évangélisation à l'exemple de la Pologne

### Résumé

La nouvelle évangélisation est la réponse de l'Église aux changements dans le monde contemporain, et en même temps elle constitue une réponse naturelle aux besoins de l'homme. Justifiée bibliquement, théologiquement et socialement, elle est favorable à la réalisation d'un grand ordre missionnaire du Christ. Il ne s'agit pas ici seulement des questions pragmatiques. La nouvelle interprétation de la doctrine et de la Tradition, les nouveaux accents théologiques et les nouvelles formes de spiritualité changent l'image extérieure de l'Église, en la faisant de plus en plus évangélique. Pour que cette nouveauté puisse se réaliser, il faut la Nouvelle Pentecôte et l'ouverture des baptisés particuliers (y compris les ecclésiastiques) à un nouveau souffle de l'Esprit-Saint.

À l'Église catholique, après le concile Vatican II, on aperçoit alors un ravivement biblique, charismatique et spirituel. Or, sont apparus de nouvelles communautés et des mouvements entreprenant le service évangélisateur, ainsi que celui de prières et d'éducation. Les nouveaux moyens d'exprimer la révérence à l'égard de Dieu (vénération) et de nouvelles formes de servir les personnes souffrantes (prières charismatiques pour la guérison, prières pour la libération) créent le climat de la foi vivante et constituent un espace important pour l'évangélisation des personnes non croyantes, celles qui pratiquent et celles qui ne pratiquent pas. Ils sont, pour ceux qui entreprennent la vie sacramentelle, une façon de grandir dans la grâce de Jésus-Christ. En ce sens, on peut parler d'une nouvelle forme de la spiritualité catholique qui est favorable à la propagation de la foi, à la mystagogie et à la croissance dans le patrimoine de l'Église.

Les nouvelles formes de spiritualité ou celles renouvelées introduisent dans la vie des croyants beaucoup de fraîcheur, d'intimité avec Dieu et de dynamisme missionnaire. C'est une entrée dans l'expérience de l'Église apostolique, bien qu'elle ne soit pas son imitation. Pourtant, elles conduisent les fidèles à expérimenter consciemment leur propre vocation.

**Mots clés :** nouvelle évangélisation, spiritualité catholique, charismes, prière pour la guérison et pour la libération, renouvellement de l'Église

PRZEMYSŁAW SAWA

## Una nuova spiritualità veramente? Fondamenti e manifestazioni della spiritualità della nuova evangelizzazione sull'esempio della Polonia

### Sommario

La nuova evangelizzazione è la risposta della Chiesa alle trasformazioni nel mondo contemporaneo e al tempo stesso costituisce la risposta naturale alle necessità dell'uomo.

Giustificata dal punto di vista biblico, teologico e sociologico favorisce il compimento del grande precetto missionario di Cristo. Non si tratta solamente di questioni prammatiche. La nuova lettura della dottrina e della Tradizione, i nuovi accenti teologici e le nuove forme di spiritualità cambiano internamente il volto della Chiesa rendendolo sempre più evangelico. Affinché tale novità si verifichi sono necessarie una Nuova Pentecoste e l'apertura dei diversi battezzati (anche ecclesiastici) al nuovo soffio dello Spirito Santo.

Nella Chiesa cattolica dopo il Concilio Vaticano II si nota quindi un ravvivamento biblico, carismatico, spirituale. Sono nati nuove comunità e movimenti che intraprendono il ministero dell'evangelizzazione, della preghiera e della formazione. I nuovi metodi di espressione della venerazione (adorazione) dovuta a Dio e le nuove forme di ministero verso i sofferenti (preghiere carismatiche per la guarigione, preghiere per la liberazione) creano un clima di fede viva e costituiscono uno spazio importante per l'evangelizzazione dei non credenti, non praticanti e praticanti. Per coloro che intraprendono la vita sacramentale sono un modo per crescere nella grazia dell'essere figli di Dio. Con tale significato si può parlare di una nuova forma di spiritualità cattolica che favorisce la tradizione della fede, della mistagogia e la crescita nell'eredità della Chiesa.

Forme di spiritualità nuove o rinnovate introducono nella vita dei credenti molta freschezza, vicinanza con Dio e dinamismo missionario. È un'entrata nell'esperienza della Chiesa apostolica anche se non è una sua riproduzione. Portano tuttavia i fedeli a vivere consapevolmente la propria vocazione.

**Parole chiave:** nuova evangelizzazione, spiritualità cattolica, carismi, preghiera per la guarigione e la liberazione, rinnovamento della Chiesa



Part Two

Ecumenical Juridical  
Thought



CĂTĂLINA MITITELU

Ovidius University of Constanța, Romania

## The “Globalization Era” and the Right of the Church to Preach the Gospel to All Peoples Canonical-Judicial Considerations and Assessments

**Keywords:** globalization, Church teachings, Church evangelization and missionary activity, Church law, canonical and civil legislation

Until now, there has already been more than one adequate assessment of the globalization issue,<sup>1</sup> made by Christian Churches, at ecumenical level; moreover, we noticed the existence of a common attitude of the Churches regarding the impact of globalization on their spiritual and religious life.

Church history reveals that, over the centuries, the Church missionaries, recruited among all its constituent members (clerics, lay people and monks),<sup>2</sup> were able to take advantage of the context created by globalization (French *mondialisation*), which was in fact provided to the Ecumenical Church by the geographical area of the Roman Empire, and later on by the Byzantine Empire.

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<sup>1</sup> See C. MITITELU: *Procesul de globalizare și impactul său asupra Bisericii (The globalization process and its impact on the Church)*. In: *Misiune, Spiritualitate și Cultură, Simpozion internațional „Globoizare, religie și educație” (Mission, Spirituality and Culture, International Symposium “Globalization, Religion and Education”)*, Valahia University Press, Târgoviște, 2013, pp. 275—284.

<sup>2</sup> See N. V. DURĂ: *Îndatorirea credincioșilor privind viața creștină în lumina Sfințelor canoane (The churchgoers’ duty regarding the Christian life under the Holy Canons)*. “Altarul Banatului” (Banat Altar/ Shrine), XLIII, 10—12 (1993), pp. 18—26.

Therefore, we could say that, over the centuries, “globalization” had in fact not only some negative effects, but also a positive impact on the Church’s right to preach the Gospel “to every creature” (Me 16, 5) and to all nations (Mt. 28, 19).

From its very beginnings, globalization offered to Church missionaries a vast geographical area that exceeded the geographical area of one nation (Cf. can. 34 Apostolic), where local Churches came into being in the Apostolic age.<sup>3</sup>

Initially, the Church’s duty and right to preach the Gospel to all peoples were foreseen by our Lord Jesus Christ (Cf. Mt. XXVIII, 19; Mc. 16, 15); then it was expressed manifestly both by the canonical and nomocanonical legislation of the Ecumenical Church.<sup>4</sup>

For example, under the canonical legislation of the first millennium, the clerics (bishops, priests, and deacons) had the duty and the right to preach the Gospel of our Lord “<ἐν πάσι ἡμέρα> (every day) [...], since the nations came to the knowledge of truth [...], due to the teachings of the Church <διδασκαλοί> (teachers)” (Apostolic can. 58 and 19, Trullan Synod).<sup>5</sup>

Moreover, according to the present canonical legislation of the Roman-Catholic Church, the Church “has the duty (*officium*) and the innate right (*ius nativum*), independent of any human power whatsoever (*a qualibet humana potestate independens*), to preach the Gospel to all peoples (*omnibus gentibus Evangelium praedicandi*) (can. 747 § 1, Code of Canon Law).

<sup>3</sup> See N. V. DURĂ: *Organizarea Bisericii etiopiene și bazele ei canonice (The organization of the Ethiopian Church and its canonical foundations)*, IBMBOR, București, 1990; IDEM: „*Scythia Mynor*” (*Dobrogea*) și *Biserica ei apostolică. Scaunul arhiepiscopal și mitropolitan al Tomisului (sec. IV—XIV)* (“*Scythia Mynor*” (*Dobrogea*) and its apostolic church. *The Archiepiscopal and Metropolitan See of Tomis (4th—14th centuries)*), Didactică și Pedagogică, București, 2006; IDEM: *Cele mai vechi izvoare scrise ale Dreptului ecleziastic etiopian (The oldest written sources of Ethiopian ecclesiastical law)*. “Biserica Ortodoxă Română” (Romanian Orthodox Church), C, 5—6 (1982), pp. 572—586.

<sup>4</sup> See N. V. DURĂ: *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I<sup>r</sup> millénaire*, Ametist 92, București 1999; IDEM: *The Byzantine Nomocanons, fundamental sources of old Romanian Law*. In: *Exploration, Education and Progress in the third Millennium*, I, 3 (2011), Galati University Press, Galați, pp. 25—48; C. MITITELU: *Internal (Material) Sources of Orthodox Canonical Law*. “Philosophical-Theological Reviewer”, 1 (2011), pp. 111—120; IDEM: *The Byzantine Law and its Reception in the Romanian Principalities*. “Philosophical-Theological Reviewer”, 4 (2014), pp. 33—43.

<sup>5</sup> Apud *Σύνταγμα τῶν θείων καὶ — ἐρῶν κανόνων* (Collection of the divine and holy Canons), II, edited by G.A. RHALLI and M. POTLI, Athena, 1852, p. 346.



Therefore, as a result of Lord’s command, “the Church claims that its right to proclaim the Gospel is ‘natively its own’, and it does not depend on any civil or state authority’s concession, permission, or toleration.”<sup>6</sup>

It is noteworthy that the globalization also influenced the contemporary Orthodox Christian theological world, where specialized studies emerged, with a valuable scientific contribution in terms of both approach and assessment. This contribution is included in the articles and studies published in the Church press, as well as in the works published in volumes resulting from various conferences and congresses organized by the theologians of various local Orthodox Churches.

In the opinion of some religion historians, there is a “close relationship between globalization and religious vitality.” As such, “the long-standing opinion shared by religion sociologists that religious pluralism would be harmful to religions, leading to their internal erosion, does not correspond to reality at all. It is now clear — a religion historian notes — that the fortifying effects of religious pluralism within the society are affecting religions.”<sup>7</sup>

The same religion historians state that religion “does not disappear” in the globalization era; on the contrary, it “made a positive contribution [...] especially to the coexistence of religions and cultures [...]. Thus, in recent years, the representatives of different religions and religious currents have proven to be among the most consistent human rights defenders.”<sup>8</sup>

Those historians — who actually strive to make a positive contribution to the approach of globalization — believe that “in the public area of the civil society, religions should fulfill, in particular, three important functions: to force the modern society to re-assess its current normative foundations and to take into account the religious normative traditions, when it comes to controversial issues such as embryo protection and bioethics; then, to counter current trends towards the promotion of radical and exaggerated individualism; ultimately, to further contribute to promoting solidarity in the world.”<sup>9</sup>

However, other Romanian academics, who spoke about the “globalization era” and the status of the Christian religion at the time of this socio-political phenomenon, consider that the beliefs of those who claim that the religion was the first to have globalized would be bold and

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<sup>6</sup> J.A. CORIDEN: *The Commentary of the canon 747th*. In: *New Commentary on the Code of Canon Law*, edited by J.P. BEAL et al., Paulist Press, New York, 2000, p. 912.

<sup>7</sup> N. ACHIMESCU: *Religie și globalizare* (Religion and globalization) (II). “Ziarul lumina”, din 29 august 2010 (The Light Newspaper, August 29, 2010) (<http://ziarulumin.ro/religie-si-globalizare-ii--23598.html>).

<sup>8</sup> Ibidem.

<sup>9</sup> Ibidem.

groundless.<sup>10</sup> Nevertheless, historical reality confirms that we can speak of globalization in the European space, at the level of the Christian religious life from the first millennium onwards. Moreover, the Christian Church's message and contribution to the promotion of the solidarity of nations and peoples remains a peremptory reality in terms of globalization, understood and expressed by Christians in the sense of the universalization of the principles and values set forth by the Founder of the Christian Religion, that is, our Saviour Jesus Christ.

Some traditional Romanian theologians went further and saw the "end of history" in the globalization process; in this period, "*homo economicus*"<sup>11</sup> would live only for production and consumption. Moreover, other theologians believe that due to this *mondialisation* (globalization), we risk to assist at "the decomposition of religions," as "religions [...] either collectively replicate in extreme fundamentalist movements, or dissolve into a diffuse, eclectic, anonymous religiosity, ecclesiastically disengaged. We can now assist at the dissolution of religiosity into either collective feelings, instrumented politically and economically, or into private feelings, focused on individual happiness in a self-centered manner."<sup>12</sup>

In our opinion, we do not believe that we can witness such a "decomposition" of "the religious." However, we are certain that the religious-moral values can be removed from the city not only due to globalization but also due to the absenteeism and passivity of the Church people from both the agora and the media (where, as citizens of the city, they discuss their civic issues) and from the political or governmental decision-making bodies. Moreover, these sins, that is, absenteeism and passivity, transform the Church people (from the public space of the civil society) into mere spectators of the decisions made by others and on their behalf. Undoubtedly, non-participation in the vote or the election of an inappropriate person could also direct this globalization towards the path foreseen by some theologians. Thus, in our opinion, the following statement is entirely justified: "Churches are called to participate critically in the worldly life, not only by prophetically denouncing its derivations, but, above all, by constructively achieving, through its own social and spiritual status,

<sup>10</sup> See, A. MARGA: *Religia în era globalizării (Religion in the globalization era)*. Efes, Cluj-Napoca 2003, p. 9.

<sup>11</sup> See, I.I. ICĂ: *Globalizarea — mutații și provocări (Globalization — mutations and challenges)*. In: *Gândirea socială a Bisericii (The Social Thinking of the Church)*. Sibiu 2002, p. 485.

<sup>12</sup> St. TOFANĂ: *Bisericile creștine și globalizarea: provocări, perspective, interogații (Christian Churches and Globalization: Challenges, Perspectives, Interrogations)*. "Plērōma", IX, 3 (2007), p. 11.

the possibilities of individual and community growth of the authentic human mutation in communion with God.”<sup>13</sup>

In the same theological world, it was also stated that globalization “is not a new phenomenon, but the current stage of a process, of a confrontation between the sacred and the profane, between theology and the exact and nature sciences, between the institution called ‘Church’ and European states, all over the centuries.”<sup>14</sup>

If we understood and reduced the current globalization stage only to a confrontation between the sacred and the profane,<sup>15</sup> between theology and the exact and nature sciences, between Religious Denominations and European States, we would transfer the reality of globalization only to the secularization, to the laicization of our contemporary society, known by all our peers who still claim their ecclesial affiliation.

Nowadays, globalization and its inexorable progress should be viewed and understood from a holistic perspective and, as such, we cannot eliminate from the spectrum of our analysis precisely its main element, that is, the economic one,<sup>16</sup> governed by free market rules.<sup>17</sup>

It was also stated that the term globalization was used for the first time in the specialized works at the beginning of the 1990s. Specifically, this term was first used by an economist Theodore Levitt in his article entitled “The Globalization of Markets” published in 1983 by the *Harvard Business Review* Publishing House.

The term globalization, of Anglo-Saxon origin (which was rendered in French by the word *mondialisation*), is in fact derived from the Latin word *globus* (‘earth globe, universe’), which, in the Christian theological literature of the early Christian centuries was the equivalent of the Latin word *catholicus* and of the Greek word *oecumenicus*, both expressing the notion of “universal.” Subsequently, in the Christian theology from the patristic age, other semantic equivalences of the original term *globus* appeared, that is, ‘ecumenical’ and ‘ecumenicity’. However, during that time, they were related not only to the geographical area, that is, Earth known at that time, but also to its inhabitants, as members of the Greek-Roman

<sup>13</sup> Ibidem, p. 12.

<sup>14</sup> See E. DUMEA: *Religie și valori în era globalizării (Religion and values in the globalization era)*. “Dialog teologic” (Theological Dialogue), 27 (2011), p. 60.

<sup>15</sup> See, N. V. DURĂ: *Le sacré et les fêtes religieuses*. “Dionysiana”, III, 1 (2009), pp. 9–18.

<sup>16</sup> See, C. MITITELU: *Regulations Regarding the Organisation and the Governance of the Accounting by the Legal Persons Without Patrimonial Purposes*. “Ovidius University Annals, Economic Sciences Series”, XI, 2 (2011), pp. 815–820.

<sup>17</sup> See, N. V. DURĂ: *Accounting, Institution of the Economic Liberal System, and the Great Religions of the World. Prolegomena*. “Ovidius University Annals, Economic Sciences Series”, XI, 2 (2011), pp. 396–400.

world of Christian, universal (Catholic) Orthodox religion, whose values were related to the religious ones of Judeo-Christian origin. It is certain that after the Edict of Milan<sup>18</sup> (313 AD), and especially after the Imperial Edict of 380, the world of that time identified and related to the world of the Roman Empire of Christian “law,” *recte* of Christian religion. Indeed, the Imperial Edict of 380, signed in Thessalonica by Emperors Gratian, Valenti and Theodosius the Great, stipulated that “those who observe this law (*hanc legem*) should be reunited under the name of Catholic Christians (*Christianorum Catholicorum Nomen*).”<sup>19</sup>

*In illo tempore* (at that time), the notion or term “Catholic” was understood not only in terms of its geographical dimension, covering the entire geographical area of the world known in that era but, first of all, in terms of ecclesiastical identity, *recte* of the affiliation to the Orthodox faith of the Universal (Catholic/Ecumenical) Church; hence the constant concern manifested by the hierarchical theologians of the Ecumenical Church (e.g., St. Basil the Great, St. Gregory of Nazianz, St. Ambrose, Ferdinand Augustine, etc.) and by some theological scholars<sup>20</sup> (hieromonks or priests of myrrh) to preserve and assert its unity and ecumenicity<sup>21</sup> from the first centuries.

<sup>18</sup> See, N. V. DURĂ: *Edictul de la Milan (313) și impactul lui asupra relațiilor dintre Stat și Biserică. Câteva considerații istorice, juridice și ecleziologice (The Milan Edict (313) and its impact on the relations between the State and the Church. Some historical, legal and ecclesiological considerations)*. “Mitropolia Olteniei” (Metropolitan Church of Oltenia), 5—8 (2012), pp. 28—43; N. V. DURĂ, C. MITITELU: *The Freedom of Religion and the Right to Religious Freedom*. In: *SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism*, I (2014), Bulgaria, pp. 831—838; IDEM: *The State and the Church in IV—VI Centuries. The Roman Emperor and the Christian Religion*. In: *SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism*, I (2014), Bulgaria, pp. 923—930; C. MITITELU: *About the Right to the Freedom of Religion*. In: *LUMEN: Rethinking Social Action. Core Values*, coord. A. SANDU et al., Medimond, Bologna, 2015, pp. 833—838.

<sup>19</sup> See, *Code Théodosien*, Livre XV, trad. E.M. MORTIER, Ed. CERF, Paris, 2002, pp. 96—97.

<sup>20</sup> See, N. V. DURĂ: *The “Scythian Monks” (Daco-Roman) and their Contribution to the European Christian Humanist Culture*. In: *Dialogue of Civilizations*, ed. D. MUSKHELISHVILI. New York, Nova Science Publishers, 2010, pp. 33—42; C. MITITELU: *Saint John Casian The Founder of Occidental Monasticism*. “Christian Researches”, VI (2011), pp. 32—49.

<sup>21</sup> A considerable contribution to the affirmation of this ecumenicity was brought by the “Scythian Monks,” led by the canonist Dionisie Exiguus, the founding father of the western canonical law (See N. V. DURĂ: *Christianism in Pontic Dacia. The “Scythian Monks” (Daco-Roman) and their Contribution to the Advance of Ecumenical Unity and the Development of the European Christian Humanist Culture*. “Revue Roumaine d’Histoire”, 1—4 (2003), pp. 5—18; IDEM: *Monahismul în Dacia Pontică. „Călugării sciți” (daco-romani) și contribuția lor la afirmarea unității ecumenice și la dezvoltarea culturii umanist-creștine europene (Monasticism in Pontic Dacia. “The Scythian monks” (Daco-Romans) and their contribution to the affirmation of ecumenical unity and the development of the European Humanistic-Christian culture)*. “Biserica Ortodoxă Română” (Romanian

Therefore, this globalization was not understood as the mere expression of a reality covering the geographical area of the world known at that time, or as the result of an economic factor, as it happens to be understood nowadays. On the contrary, it was first understood as an affiliation to the Christian religious identity, whereby the Roman Empire had expressed and legitimized itself since the end of the 4th century AD.

By the Thessalonian Edict of 380, the Christian Orthodox religion was indeed recognized *de jure* and *de facto* by the Roman State as “the only true religion, the other being either just tolerated with plenty of reluctance (Judaism), or disqualified or forbidden (traditional pagan cults).”<sup>22</sup> However, as some well-known Church historians acknowledged, the Edict of Thessalonica did not bring about a so-called Church “integration” into the Roman Empire (East or West), but “a more moral than institutional” integration,<sup>23</sup> as pursued in fact by the “globalization” policy and by some contemporary political decision makers.

However, by overtaking the idea professed by political scientists, historians, jurists, sociologists, etc., some contemporary theologians understood and reduced the globalization process to an act of “integrating” national values into the “universal” sphere. Moreover, in their opinion, this phenomenon would hinder the assertion of the “personal, community and national identity, from a postmodern perspective.”<sup>24</sup>

As far as postmodernism is concerned, they state that it would support “fragmentation, multiplicity, fluidity, and even the demolition of what modernism has built.”<sup>25</sup>

Not only do such statements reveal the *docta ignorantia*<sup>26</sup> mentioned by the theologian and philosopher Nicolaus Cusanus († 1464), but they also show a certain limitation of those theologians from today’s socio-political and economic doctrine.

Considering that the term globalization refers only to the integration and interdependence of “economic, social, technological, cultural, politi-

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Orthodox Church), CXXII, 3—4 (2004), pp. 347—357; IDEM: *Dionisie Exiguul și Papii Romei (Dionysius Exiguus and the Pope of Rome)*. “Biserica Ortodoxă Română” (Romanian Orthodox Church), CXXI, 7—12 (2003), pp. 459—468; IDEM: *Religion and Culture in Scythia Minor*. “Annals of the Academy of Romanian Scientists, Series on Philosophy, Psychology and Theology”, I, 2 (2009), pp. 67—78).

<sup>22</sup> *Empire Chrétien et Églises — Intégration ou „Concordat”? Le témoignage du Code Théodosien*, Textes rassemblés et édités par Jean-Noel Guinot și Fr. Richard, Les Éditions du Cerf, Paris, 2008, p. 7.

<sup>23</sup> Ibidem, p. 8.

<sup>24</sup> E. DUMEA: *Religie și valori... (Religion and values...)*, p. 54.

<sup>25</sup> Ibidem, fn. 2.

<sup>26</sup> See N. CUSANUS: *De docta ignorantia*. Translated by A. BERESCHI. Polirom, Iași 2008.

cal and ecological spheres,” some theologians still ask themselves whether “religion also enters this process of integration and interdependence.”<sup>27</sup>

If we took into account today’s geopolitical, socio-human, economic, technological, ecological and cultural realities, we could state that the Church would not enter this globalization process. Nevertheless, even if the Church, as a divine-human institution,<sup>28</sup> did not fall within the sphere of globalization, we could not ignore or exclude the fact that its members, that is, its three constituent elements (clergy, churchgoers, and monks),<sup>29</sup> are also members of the society they live in, of the countries they inhabit. Therefore, we can say that globalization has a real impact on Church people. As such, in our perspective, Church members should be imperatively aware of, and familiar with both the term globalization and the economic, political, and philosophical doctrine of this contemporary reality. Of course, only such awareness and familiarity can actually contribute to changing the status of Church members, that is, from the simple spectators of the globalization spectrum to its active participants.

However, we should not ignore or overlook the fact that the message disseminated by the teachings of the Christian Church — left by its Founder — is, by definition, a universal one that goes beyond geographical boundaries or barriers, but also beyond the socio-human ones of economic, ethnic, cultural, etc. origin. Indeed, so far, this message — with its uniquely universal nature — has not been surpassed because humanity has not heard words with a humanistic meaning greater than the meaning of those uttered by our Savior Jesus Christ. He teaches us to know and love God and to love our peers the same way we love ourselves. In his turn, the Apostle called on the way of Damascus, that is, Paul, tells us that “there is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus” (Galatians 3:28). It is precisely this biblical message that underlies globalization, but only if we understand it as “universalization” (*mondialisation*), breaking thus the patterns and the clichés transferred from the medieval mind and reality, where the world knew and inhabited a local community rather than a universal (i.e., the global) one.

<sup>27</sup> E. DUMEA: *Religie și valori... (Religion and values...)*, p. 54.

<sup>28</sup> See N. V. DURĂ: *Le Régime de la synodalité...*, pp. 89–107; IDEM: *Biserica creștină în primele patru secole. Organizarea și bazele ei canonice (The Christian Church in the first four centuries. Organization and canonical foundations)*. “Ortodoxia” (Orthodoxy), XXXIV, 3 (1982), pp. 451–469.

<sup>29</sup> IDEM: *Monahii, al treilea element constitutiv al Bisericii (The monks, the third constituent element of the Church)*. “Biserica Ortodoxă Română” (Romanian Orthodox Church), CXXI, 7–12 (2003), pp. 469–483.

In addition, it should be emphasized that the foregoing reality of globalization can be achieved not only by accepting universal values and by replacing the local ones, but also by respecting the ethnic and the national identity. However, both local and universal identities include in their sphere the spiritual-religious identity of the peoples that constitute the respective identities. Indeed, only through the awareness of this reality we can assert and defend human rights and fundamental freedoms<sup>30</sup> in the globalized world. Moreover, this is all the more so if we take into account that these human rights and fundamental freedoms are based on both *jus divinum* and *jus natural*,<sup>31</sup> as well as on the canonical and nomocanonical<sup>32</sup> *jus* of the Christian Church.

There were also theologians who noticed “the mutations and challenges” triggered by the globalization process, which would make the Church rethink and redefine its “social thinking.”<sup>33</sup> However, the Church has been facing globalization since its establishment, and more specifically since the 4th century AD, when the Roman Empire wanted only one God, one Church, one faith, and one *basileus*.<sup>34</sup> As such, *nihil novum*

<sup>30</sup> IDEM: *Dreptul la demnitate umană (dignitas humana) și la libertate religioasă. De la “Jus naturale” la “Jus cogens” (The right to human dignity (dignitas humana) and religious freedom. From “Jus naturale” to “Jus cogens”).* “Analele Universității Ovidius. Seria: Drept și Științe Administrative” (Ovidius University Annals. Series: Law and Administrative Sciences), 1 (2006), pp. 86—128; IDEM: *The European juridical thinking, concerning the human rights, expressed along the centuries.* “Acta Universitatis Danubius. Juridica”, VII, 2 (2010), pp. 153—192; N. V. DURĂ, C. MITITELU: *Human rights and their universality. From the rights of the “individual” and of the “citizen” to “human” rights.* In: *Exploration, Education and Progress in the third Millennium*, I, 4 (2012) Galati University Press, Galați, pp. 103—127; IDEM: *The human fundamental rights and liberties in the Text of some Declarations of the Council of Europe.* In: *Exploration, Education and Progress in the Third Millennium*, I, 5 (2015), ProUniversitaria, București, pp. 7—22; IDEM: *International Covenant on Economic, Social and Cultural Rights.* In: *8th Edition of International Conference The European Integration — Realities and Perspectives.* Danubius University Press, Galati, 2013, pp. 130—136; IDEM: *The Treaty of Nice, European Union Charter of Fundamental Rights.* In: *8th Edition of International Conference The European Integration — Realities and Perspectives.* Danubius University Press, Galati, 2013, pp. 123—129.

<sup>31</sup> N. V. DURĂ: *Loi morale, naturelle, source du Droit naturel et de la Morale chrétienne.* In: *La morale au crible des religions (Studia Arabica XXI).* Coord. M. Th. Urvoy, Éditions de Paris, 2013, pp. 213—233.

<sup>32</sup> C. MITITELU: *Dreptul bizantin și receptarea lui în Pravilele tipărite, în Țările Române, din secolul al XVII-lea (The Byzantine Law and Its Reception in the Printed Codes of Laws from the Romanian Principalities of the 17th Century).* Universitară, București 2014; IDEM: *The Nomocanons (Pravilele) Printed in the Romanian Countries, in the Seventeenth Century, and Their Provisions of Criminal Law.* “Religion”, 3 (2014), pp. 41—57.

<sup>33</sup> I.I. ICA: *Globalizarea... (Globalization...),* pp. 485—486.

<sup>34</sup> See D. MACCULLOCH: *Istoria creștinismului (History of Christianity).* Translated by C. DUMITRIU și M.S. CHIRILĂ. Polirom, Iași, 2011, pp. 181—224.

*sub sole*, neither in terms of globalization, because such “mutations” and “challenges” — whether geo-political, socio-economic, religious, cultural, etc. — have existed since humankind, and will continue to exist until the end of the aeon.

In this respect, we should note that, “in the traditional habitat where she/he has lived for millennia, the current Christian is confronted with the invasion and aggression of a reality that encompasses his/her entire life, known as globalization. The traditional scale of theoretical and practical (behavioural) values is questioned, or even ignored or countered by many of its components.”<sup>35</sup> However, the same theologian gives us the hope that “from a European historical and cultural perspective, today’s globalization represents the last stage in the secularization of thought and life, which was triggered towards the end of the Middle Ages.”<sup>36</sup>

That the current globalization process would represent the last stage in the secularization of thought and life remains to be seen, because we cannot limit the time or the action that the human being (who, according to the chronicler, “is subject to the times”) is capable of.

The same academic theologian asserts that “at present, the human being is trying to communicate with the Absolute [sic!], nostalgically aiming at silence and inner happiness [...], gathering fragments of the ethos she/he comes from, in an attempt to assert himself/herself.”<sup>37</sup>

As far as this new communication with the Absolute is concerned, it can only be done through philosophy, that is, by ideological thinking, because this communication with the Judeo-Christian God is achieved by “prayer,”<sup>38</sup> culminating in *communicatio in sacris*.<sup>39</sup>

In lieu of the conclusions, we would like to make the following considerations and clarifications:

A. The state of claustrophobia produced by globalization should not be appropriated and circulated in the theologians’ world because it does

<sup>35</sup> E. DUMEA: *Religie și valori... (Religion and values...)*, p. 59.

<sup>36</sup> Ibidem.

<sup>37</sup> Ibidem, p. 65.

<sup>38</sup> See N. V. DURĂ: *Pravila rugăciunii în lumina Tradiției liturgice și canonice a Bisericii Ortodoxe (The Code of prayers in the liturgical and canonical tradition of the Orthodox Church)*. “Ortodoxia” (Orthodoxy), XXXV, 3 (1983), pp. 431—457; IDEM: *Mărturiile ale Tradiției liturgico-canonice apostolice privind rugăciunea (Testimonies of the Apostolic liturgical and canonical tradition of the prayer)*. “Studii Teologice” (Theological Studies), XXXV, 7—8 (1983), pp. 481—490.

<sup>39</sup> IDEM: *Rânduiele și norme canonice privind administrarea Sfintei Euharistii (Ordinances and canonical rules on the administration of the Holy Eucharist)*. “Glasul Bisericii” (The Voice of the Church), XXXVIII, 7—8 (1979), pp. 79—804; IDEM: *Tradiția canonică ortodoxă privind săvârșirea Sfintei Liturghii (Orthodox canonical tradition of the Divine Liturgy)*. “Ortodoxia” (Orthodoxy), XXXIII, 1 (1981), pp. 73—94.



- not serve the interests of the Church; on the contrary. Nevertheless, theologians (and in general the Church people) are required to be acquainted with and assess globalization with all its consequences, and, *ipso facto*, to take a vehement attitude against the adverse consequences of its process in the spiritual-religious life, at the level of ecclesial communities and organizational units.
- B. Globalization is not the only or the main problem of the present world<sup>40</sup>; wars, social injustices, the lack of recognition of human rights and fundamental freedoms in some states of the world, etc. are only a few of the issues preceding — in terms of importance and adverse consequences — globalization and its impact on various social institutions and categories.
- C. Globalization should also be seen as “a support for development and progress, if it is properly and harmoniously exploited,” although this seems “hard to achieve.”<sup>41</sup>
- D. Considered in its positive aspect, it can be admitted that, through the materialization of its process, any form of claim for economic, military, cultural “supremacy,” as well as the “autarchic tendency of national or ethnic and cultural pride,”<sup>42</sup> could be eliminated.
- E. In order to understand the new world system (i.e., globalization), we must take into account three main factors, and, at the same time, the complex interaction between them, namely: “States fighting against states, states fighting against global markets and global markets fighting against powerful individuals,”<sup>43</sup> that is, the CEOs of the global corporations.
- F. In addition to its negative effects, “globalization” can also have a positive impact on the Church, because it can provide a vast geographical area for its religious mission (which surpasses the ethnic one), where local Churches were created in the Apostolic Age. It remains to be seen, however, whether its potential missionaries, that is, its constitutive members (clergy, laymen, and monks), are acquainted with, or can take advantage of the globalized context.
- G. The unfortunate consequences triggered by globalization can be eliminated or limited *ab initio* by Church people, provided that they know thoroughly both the history of its process and its economic, social,

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<sup>40</sup> See N. CERNICA: *Probleme etice ale globalizării (Ethical issues of globalization)*. “Euromentor”, II, 1 (2011), p. 81.

<sup>41</sup> D. ZAIȚ: *Globalizare și etnocentrism (Globalization and ethnocentrism)*. “Management Intercultural” (Intercultural Management), III, 4 (2001), p. 2.

<sup>42</sup> Ibidem.

<sup>43</sup> A. L. DEAC: *Cultura violenței în era globalizării (The culture of violence in the age of globalization)*, (<http://www.arduph.ro/domenii/protectie-persoane-si-bunuri/drepturile-omului-la-pace/cultura-violentei-in-era-globalizarii/>).

and political doctrine, and, of course, if they assess *mondialisation* in terms of Christian teachings.

- H. Globalization cannot lead to the disappearance of the religious and institutional ecclesiastical phenomenon; on the contrary, due to globalization, religious denominations can also make a positive contribution to the imperative necessity of creating an environment favourable to the ecumenist dialogue,<sup>44</sup> and, *ipso facto*, dominated by inter-religious tolerance and mutual respect.
- I. By its *salus animarum*, that is, the salvation of human souls, the Christian religion was the first religion that actually enrolled in a globalization (i.e., universalization or *mondialisation*) process. In fact, through this message and through its contribution to the promotion and assertion of some principles of Christian-humanist origin, such as the respect for human dignity and human solidarity, the Christian Church entered the scope of universality, *recte* mondialisation or globalization. Here, the human being and his/her dignity — which implies the respect for the right to the freedom of religion<sup>45</sup> and, *ipso facto*, the Church's right to preach the Gospel to all "peoples" — must remain the measure of all things.
- J. Lastly, we should not ignore or forget that the Church has both the duty and the right to "preach the Gospel to all peoples," under its "independence" (autonomy) from "every human power" (can. 747 § 1 of the Latin Canon Code). However, this Church autonomy towards the State expressly refers not only to the ecclesiastical legislation (canonical and nomocanonical), but also to the present State legislation.<sup>46</sup>

<sup>44</sup> See, N. V. DURĂ: *Bisericile Europei și „Uniunea Europeană”. Ecumenism, reconciliere creștină și unitate europeană (The Churches of Europe and the “European Union”. Ecumenism, Christian Reconciliation, and European Unity)*. In: *Biserica în misiune. Patriarhia română la ceas aniversar (The Church in mission. The Romanian Patriarchate upon its Anniversary)*, Institutul Biblic, București, 2005, pp. 771—794.

<sup>45</sup> See, N. V. DURĂ: *The Law no. 489/2006 on Religious Freedom and General Regime of Religious Denominations in Romania*. “Dionysiana”, II, 1 (2008), pp. 37—54; IDEM: *Statele Uniunii Europene și cultele religioase (EU States and religious Denominations)*. “Ortodoxia” (Orthodoxy), I, 2 (2009), pp. 49—72; IDEM: *About the “Religious” Politics of Some Member States of the European Union*. “Dionysiana”, III, 1 (2009), pp. 463—489; IDEM: *Proselytism and the Right to Change Religion: The Romanian Debate*. In: *Law and Religion in the 21st Century. Relations between States and Religious Communities*. Eds. S. FERRARI and R. CRISTOFORI. Ashgate Publishing Limited, England 2010, pp. 279—290; N. V. DURĂ, C. MITITELU: *The Right to Freedom of Religion in the Jurisprudence of the European Court*. “Journal of Danubius Studies and Research”, IV, 1 (2014), pp. 141—152; C. MITITELU: *The Autonomy of Religious Denominations in Romania*. “Ecumeny and Law”, 4 (2016), pp. 275—296.

<sup>46</sup> See N. V. DURĂ: *Le Régime de la synodalité...*, pp. 916—982; IDEM: *Les relations canoniques de l'Église roumaine nord-danubienne avec les principaux Sièges épiscopaux du*

Taking into account these ecclesiastic and state realities, we can conclude that the globalizing process — which did not begin in our days, since it had been already a reality upon the establishment and organization of the Christian Church — should not be perceived as an impediment to the service of God’s Word. On the contrary, it should be seen as an instrument that facilitates its missionary activity. Nevertheless, it depends on “God’s people,” that is, on clergy and churchgoers. The latter, by virtue of the divine mandate (see Mt 28:19), have the duty and the right to disseminate God’s Word to the “entire Creation,” that is, to all human beings, regardless of their ethnicity or socio-political status, because all the human beings are the “εἰκῶνα τοῦ Θεοῦ”<sup>47</sup> (icons of God) (II Cor. 4, 4; I Cor. 15, 49; Col. 1, 15), that is, the children of the same Heavenly Father.

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*Sud du Danube*. “Revue Roumaine d’Histoire”, XL—XLI (2001—2002), pp. 5—20; IDEM: *L’Eglise de Scythie Mineure et ses Primats tomitains*. “Dionysiana”, 1, 1 (2007), pp. 352—396; IDEM: *Forme și stări de manifestare ale autocefaliei Bisericii Ortodoxe Române. Mărturii istorice, ecleziologice și canonice (Forms and manifestations of the autocephaly of the Romanian Orthodox Church. Historical, ecclesiological and canonical testimonies)*. In: *Autocefalia, libertate și demnitate (Autocephaly, freedom and dignity)*. IBMBOR, București 2010, pp. 113—155; C. MITITELU: *Legea nr. 489/2006 și relațiile dintre Stat și Biserică (Law no. 489/2006 and the relations between the State and the Church)*. In: *The 1<sup>st</sup> Global Conference on RO-RUS-NIPPONICA*, vol. I. Universitaria, Craiova, 2010, pp. 36—43; IDEM: “*Corpus Juris Civilis*” and “*Corpus Juris Canonici*”. *Legal and Canonical Considerations*. “Teologia” (Theology), XVIII, 4 (61) (2014), pp. 127—137.

<sup>47</sup> N. V. DURĂ: *Teologia icoanelor în lumina Tradiției dogmatice și canonice ortodoxe (Theology of icons in the light of the Orthodox dogmatic and canonical tradition)*. “Orthodoxia” (Orthodoxy), XXXIV, 1 (1982), pp. 55—83, IDEM: *Man in the view of some Christian Theologians with Philosophical Background*. “Annals of the Academy of Romanian Scientists, Series on Philosophy, Psychology, Theology and Journalism”, V, 1—2 (2013), pp. 75—97; IDEM: *The “Man” and His Creation in the Perception of “Creationism” and “Evolutionism”*. *Contributions of “Christian Philosophy”*. “Philosophical-Theological Reviewer”, 4 (2014), pp. 9—27.

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## The “Globalization Era” and the Right of the Church to Preach the Gospel to All Peoples Canonical-Juridical Considerations and Assessments

### Summary

Under the divine mandate (see Mt 28, 19; Mk 16, 15), the Church received from its Founder, our Saviour Jesus Christ, the right to preach His Gospel to all nations.

In the first millennium, the Church Fathers gave expression to this divine law in the first millennial canonical ecumenical legislation (see Apostolic Canon 34, Apostolic 58, Trullan Synod 19, etc.).

In the Roman-Byzantine era — and especially in the Byzantine era — this right was stipulated *expressis verbis* by the state legislation of the Roman Empire (West and East). The international Law and the EU law, including the law of the states from the “globalization era,” that is, our era, provided in their texts for the legal justification of any recognized religious denominations to make known its faith teachings, in writing or orally; hence the right of its members to establish confessional schools, in order to teach religion in state schools, and to carry out evangelization missionary activities.



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« L'ère de la mondialisation » et le droit de l'Église  
de proclamer la Bonne Nouvelle à tous les gens  
Les réflexions et évaluations canonico-juridiques

Résumé

Dans le cadre de la mission divine (cf. Mt 28,19 ; Mc 16,15), l'Église a reçu de son Fondateur, Notre Sauveur Jésus-Christ, le droit de prêcher son Évangile à toutes les nations. Dans le premier millénaire, les Pères de l'Église ont inclus ce droit dans la législation universelle (cf. p.ex. le canon 34 apostolique, le concile in Trullo 19).

À l'époque romano-byzantine, et surtout à l'époque byzantine, ce droit a été *expressis verbis* inclus dans la législation étatique de l'Empire romain (occidental et oriental). Le droit international et celui de l'Union européenne, y compris le droit des États de « l'ère de la mondialisation », c'est-à-dire de notre ère, contient d'habitude l'obligation à tolérer chaque culte religieux reconnu de manière à ce que ses adeptes puissent révéler leur foi, à l'écrit ou à l'oral, mais aussi à ce qu'ils aient le droit de fonder des écoles confessionnelles ou bien d'enseigner la religion dans les écoles publiques et de mener une activité évangélique missionnaire.

**Mots clés :** éducation religieuse, législation européenne et nationale, liberté de religion

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L' “era della globalizzazione” e il diritto della Chiesa  
ad annunciare la Buona Novella a tutta la gente Considerazioni  
e giudizi canonico-giuridici

Sommaro

Nell'ambito del mandato di Dio (vedi Mt 28,19; Mc 16,15) la Chiesa ricevette dal suo Fondatore, nostro Salvatore Gesù Cristo, il diritto di predicare il Suo Vangelo a tutti i popoli. Nel primo millennio i Padri della Chiesa racchiusero tale diritto nella legislazione universale (vedi ad esempio il Canone Apostolico 34, il Concilio in Trullo 19).

Nell'epoca romano-bizantina, e specialmente nell'epoca bizantina, tale diritto fu racchiuso *expressis verbis* nella legislazione statale dell'Impero Romano (occidentale e orientale). Il diritto internazionale e il diritto dell'UE, tra cui il diritto degli stati dell' “era della globalizzazione” ossia della nostra era, comprende solitamente l'obbligo di tollerare ciascun culto religioso riconosciuto, in modo che i suoi seguaci possano rivelare la propria fede, per iscritto o oralmente, ed abbiano anche il diritto di costituire scuole confessionali o di insegnare la religione nelle scuole statali e di svolgere l'attività evangelica missionaria.

**Parole chiave:** istruzione religiosa, legislazione europea e nazionale, libertà di culto religioso



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## The Right to the “Freedom of Conscience”, Legal Basis for the Educational and Missionary Activity of Religious Denominations

**Keywords:** religious education, European and national legislation, freedom of the denominations

In the literature, the legal concept of “freedom of conscience” is perceived and expressed by three perspectives. According to the first perspective, “religious freedom also includes the freedom of conscience.” As far as the second perspective is concerned, “the freedom of conscience and religious freedom are considered to be two distinct freedoms.” Finally, “the more widely accepted theory today is the one stating that the freedom of conscience has a broad sphere, including religious freedom. Moreover — a Romanian constitutionalist states — the freedom of the denominations is also a distinct freedom.”<sup>1</sup>

In fact, religious freedom is not just an obvious expression of the freedom of conscience; it is also the “matrix” of all forms of manifestation of

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<sup>1</sup> I. MURARU: *Comentariu la Articolul 29 din textul Constituției României (Comments on Article 29 of the Romanian Constitution)*. In: *Constituția României. Comentariu pe articole (The Romanian Constitution. Comments on Articles)*. C.H. Beck, București 2008, p. 283.

human freedoms<sup>2</sup>; *ipso facto*, it is the very “source” (*origo*) of all human freedoms.<sup>3</sup>

As far as the freedom of religious denominations<sup>4</sup> is concerned, it should be made clear that it is merely an obvious and concrete manifestation of religious freedom, and not a distinct freedom, as still perceived and defined by some jurists.

According to a Romanian magistrate — with an evident philosophical training of metaphysical origin — “the three value dimensions of legal

<sup>2</sup> See N. V. DURĂ, C. MITITELU: *The human fundamental rights and liberties in the Text of some Declarations of the Council of Europe*. In: *Exploration, Education and Progress in the Third Millennium*, I, 5 (2015). ProUniversitaria, București, pp. 7—22.

<sup>3</sup> Regarding the theologians and the philosophers’ perspective on the human being, see N. V. DURĂ: *The “Man” and His Creation in the Perception of “Creationism” and “Evolutionism.” Contributions of “Christian Philosophy.”* “Philosophical-Theological Reviewer”, 4 (2014), pp. 9—27; IDEM, *From “Proti Philosophia” to Nietzsche’s thinking. Some considerations as philosophical knowledge is concerned.* “Philosophical-Theological Reviewer”, 5 (2015), pp. 9—25.

<sup>4</sup> See N. V. DURĂ: *Drepturile și libertățile fundamentale ale omului și protecția lor juridică. Dreptul la religie și libertatea religioasă (The Fundamental Human Rights and Freedoms and Their Legal Protection. The Right to Religion and Religious Freedom)*. “Orthodoxia” (Orthodoxy), LVI, 3—4 (2005), pp. 7—55; IDEM: „Privilegii” și „discriminări” în politica religioasă a unor State ale Uniunii Europene (“Privileges” and “Discriminations” in the Religious Policy of Several EU States). “Biserica Ortodoxă Română” (Romanian Orthodox Church), CXXIV, 1—3 (2006), pp. 491—510; IDEM: *The Fundamental Rights and Liberties of Man in the E.U. Law*. “Dionysiana”, IV, 1 (2010), pp. 431—464; IDEM: *Principii și norme generale ale Dreptului Uniunii Europene privind protecția juridică a drepturilor omului (General Principles and Norm of EU Law on the Legal Protection of Human Rights)*. In: RO-RUS-NIPPONICA, I, Universitaria, Craiova 2010, pp. 32—36; IDEM: *Religious Freedom in Romania*. “Theologia Pontica”, V, 3—4 (2012), pp. 9—24; IDEM: *The Patrimonial Right of the Religious Denominations*. In: *The current Statutes for the organization and functioning of the Romanian Orthodox Church. Tradition and Innovation*. Presa Universitară Clujeană, Cluj-Napoca 2016, pp. 67—86; IDEM: *The Right to Religion: Some Consideration of the Principal International and European Juridical Instruments*. In: *Religion and Equality. Law in conflict*. Eds. W. COLE DURHAM Jr., DONLU THAYER. Routledge, UK 2016, pp. 15—24; N. V. DURĂ, C. MITITELU: *Human rights and their universality. From the rights of the “individual” and of the “citizen” to “human” rights*. In: *Exploration, Education and Progress in the third Millennium*, I, 4 (2012). Galati University Press, Galați, pp. 103—127; IDEM: *The Freedom of Religion and the Right to Religious Freedom*. In: *SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism*, I, 2014, Bulgaria, pp. 831—838; IDEM: *The right to Freedom of Religion in the Jurisprudence of the European Court*. “Journal of Danubius Studies and Research”, IV, 1 (2014), pp. 141—152; IDEM: *The State and the Church in IV—VI Centuries. The Roman Emperor and the Christian Religion*. In: *SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism*, I, 2014, Bulgaria, pp. 923—930; C. MITITELU: *The Autonomy of Religious Denominations in Romania*. “Ecumeny and Law”, 4 (2016), pp. 275—296.

science and of a legal and social system” are “freedom, faith, and law,” and they “belong to the reality of justice.”<sup>5</sup>

However, the magistrate’s statement should be understood only from the perspective of its theoretical content, that is, the value dimensions represented by freedom and law, because in the modern era the third value dimension, that is, religious “Faith,” was exiled from the legal practice and, *ipso facto*, from jurisprudence.

Undoubtedly, the judge is the one who “delivers justice” (*jus dicere*). As such, “she/he must obey to his/her own conscience, in which content it has to be found also the values of the Christian faith, so that the law may be applied not for the purpose of achieving an abstract justice, but for the human being’s own good, for his/her freedom.”<sup>6</sup>

But, what is freedom? According to Judge Dr. Marius Andreescu’s definition, freedom is an “ontological state of the Law.” Moreover, “the Law has a natural purpose only through the idea of freedom. This purpose is represented by the human being in his/her social manifestations, but also in the spiritual ones”; hence his conclusion that “only by accepting freedom as the essence of Law, the entire legal system makes sense, and its natural purpose, that is, the human being, is also relevant. In other words — the same Romanian jurist remarks — the human being does not exist for the law, but the law exists for the human being; its purpose is not to constraint the human being, but to guarantee his/her natural freedom.”<sup>7</sup>

In other words, we are talking about the original freedom, which was provided by the Natural Law,<sup>8</sup> and which must also be taken into account by magistrates when they do an act of *justitiae* (justice) and *aequitate* (righteousness/equity).<sup>9</sup>

<sup>5</sup> M. ANDREESCU: *Principii și valori constituționale (Constitutional Principles and Values)*. Universul Juridic, București 2016, p. 15.

<sup>6</sup> Ibidem.

<sup>7</sup> Ibidem, p. 13.

<sup>8</sup> See N. V. DURĂ, C. MITITELU: *Istoria Dreptului românesc. Contribuții și evaluări cu conținut istorico-juridico-canonice (The History of Romanian Law. Contributions and Assessments with a Historical-Juridical-Canonical Content)*. Universitară, București 2014; C. MITITELU: *Dreptul bizantin și receptarea lui în Pravilele tipărite, în Țările Române, din secolul al XVII-lea (The Byzantine Law and Its Reception in the Printed Codes of Laws from the Romanian Principalities of the Seventeenth Century)*. Universitară, București 2014.

<sup>9</sup> A se vedea N. V. DURĂ: „Dreptatea (*Justitia*)” și „Echitatea (*Aequitas*)” în percepția lui Lactanțiu (†325) (“Justice” and “Equity” in Lactantius’s Perspective (†325)). In: *Tradiție și continuitate în teologia tomitană. Două decenii de învățământ teologic universitar la Constanța (1992—2012) (Tradition and Continuity in Tomitan Theology. Two Decades of Theological Higher Education)*. Arhiepiscopia Tomisului, Constanta 2012, pp. 257—272; IDEM: “Justitia” and “Aequitas” in the perception of the Greek philosophers and of the Roman jurists. “Teologia Młodych”, 4 (2015), pp. 4—9.

Andrescu's statement (according to which the law exists in order to safeguard the human being's natural freedom and not to compel him/her) also has a wide coverage in both the EU law<sup>10</sup> and in the European Court of Justice jurisprudence.<sup>11</sup> In fact, those who are more or less familiar with this legislation and with the Court's jurisprudential doctrine can easily realize that the purpose of the Court's law and decisions is not to punish the guilty party by coercive measures. On the contrary, their purpose is to educate and correct the culprit, and, *ipso facto*, to make them aware of the gravity of their deed, and thus to make them, by a conscious act, to no longer commit any abominable deeds that would prejudice both the society they live in and their own freedom of conscience.<sup>12</sup>

The same judge rightly states that "lifting the freedom from a simple juridical declarative aspect to a fact of consciousness cannot be achieved only by the normative determinations of a legal system or by the existential situations where the human being has to manifest himself/herself. It is more than that; it is an act of faith," which — in his perception — represents "the foundation, the profound meaning of the existence and of the right understood by the idea of freedom!"<sup>13</sup>

Indeed, freedom can become a state of conscience only through faith, whereby it could be underlined the meaning of the idea of freedom, and whereby the entire legal system should be perceived and expressed.

It is not surprising that, according to the Romanian magistrate, freedom exceeds — as an axiological state — "the phenomenology of the law and state order," because it is "the only one able to support the social and normative system of a state"; hence the legitimate conclusion that "law supremacy" derives precisely from the "principle of freedom supremacy."<sup>14</sup>

<sup>10</sup> N. V. DURĂ, C. MITITELU: *Legislația canonică și instituțiile juridico-canonicе, europene, din primul mileniu (Canonical Legislation and Juridical and Canonical European Institutions from the First Millenium)*. Universitară, București 2014.

<sup>11</sup> C. MITITELU: *Europe and the Constitutionalising Process of EU Member States*. "Ovidius" University Annals, Economic Sciences Series, XIII, 2 (2013), pp. 122—127.

<sup>12</sup> Regarding the theologians and the philosophers' perspective on the "freedom of conscience," see N. V. DURĂ: *The Theology of Conscience and the Philosophy of Conscience*. "Philosophical-Theological Reviewer", 1 (2011), pp. 20—29; IDEM: *Man in the view of some Christian Theologians with Philosophical Background*. "Annals of the Academy of Romanian Scientists, Series on Philosophy, Psychology, Theology and Journalism", V, 1—2 (2013), pp. 75—97; IDEM: *Despre Filosofie și Teologie. De la divergențe de natură ideatică, la idei și păreri convergente (About Philosophy and Theology. From Ideatic Discrepancies to Convergent Ideas and Opinions)*. "Studii filosofice" (Philosophical Studies), II, 1 (2016), pp. 111—129.

<sup>13</sup> M. ANDREESCU: *Principii și valori... (Principles and Values...)*, p. 14.

<sup>14</sup> Ibidem.

We are talking of course about the supremacy of each person’s freedom of conscience, which nobody can censor or constrain, which makes it a kind of *norma normans* for the entire legal system.

The same Romanian magistrate, that is, Marius Andreescu, also mentions the “principle of the coexistence of freedoms.” In his opinion, this principle should “be understood not only through the idea of a person’s freedom limitation with respect to another’s freedom but also especially in its true and profound sense: the condition of my freedom is the freedom of the other, according to a value universal law.”<sup>15</sup> Moreover, in his perception, only this “condition” of every person’s freedom contributes to the “transition from the democracy of the masses, specific to the rule of law, to the democracy of freedom.”<sup>16</sup>

However, this transition to the “democracy of freedom” requires (as a *sine qua non* condition of one’s freedom) the respect for the other’s freedom. This involves primarily the awareness of the limits of the human being’s freedom, also determined by the obligation to give everybody what they deserve, that is, *suum cuique tribuere*, as formulated by the famous Roman jurist Ulpian (170—223 AD).

In the Declaration of Human and Civic Rights — proclaimed in 1789 by the “representatives of the French people formed into a National Assembly” (Preamble) — it is also stated that “No one may be disturbed on account of their opinions, even religious ones (*même religieuses*), as long as the manifestation of such opinions does not interfere with the established Law and Order” (Article 10).<sup>17</sup>

In fact, these “religious views” are the manifest expression of the assertion of a fundamental human right and freedom, that is, the right to the freedom of religious conscience. This right should be related to or limited by another person’s freedom and also by the freedom condition provided by *Jus divinum* and *Jus naturalis*, that is, the divine Law and the natural moral Law.<sup>18</sup>

<sup>15</sup> Ibidem, p. 15.

<sup>16</sup> Ibidem.

<sup>17</sup> *Declarația drepturilor omului și ale cetățeanului* (Declaration of Human and Civic Rights), apud [https://ro.wikipedia.org/wiki/Declara%C8%9Bia\\_drepturilor\\_omului\\_%C8%99i\\_ale\\_cet%C4%83%C8%9Bianului](https://ro.wikipedia.org/wiki/Declara%C8%9Bia_drepturilor_omului_%C8%99i_ale_cet%C4%83%C8%9Bianului)

<sup>18</sup> See N. V. DURĂ: *Valorile religioase și „moștenirea culturală, religioasă și umanistă a Europei”. „Laicitate” și „libertate religioasă”* (Religious-Christian Beliefs and the “Cultural, Religious and Humanist Legacy of Europe”. “Laicity” and “Religious Freedom”). In: *Modernitate, postmodernitate și religie* (Modernity, Post-modernity and Religion), Vasiliana ’98, Iași 2005, pp. 19—35; IDEM: *Ideea de Drept. „Dreptul”, „Dreptatea” și „Morala”* (The Idea of Law. “Law”, “Justice” and “Morale”). “Analele Universității Ovidius. Seria: Drept și Științe Administrative” (Ovidius University Annals. Series: Law and Administrative Sciences), I, 1 (2004), pp. 15—46; IDEM: *Ideea de „Drept” și „Drep-*

Among its “purposes,” the Council of Europe includes the “protection of human rights and fundamental freedoms” (Explanatory Memorandum, 2),<sup>19</sup> including the right to freedom of conscience, which must also be ensured by “judges” and by “other persons who exercise their legal functions” because their “essential” role is precisely to ensure and guarantee the respect for “human rights and fundamental freedoms.”<sup>20</sup>

Undoubtedly, in order to ensure and protect this kind of freedom (i.e., the freedom of conscience), “the judges” and “the persons exercising legal functions” must have sound and fair knowledge of the origin and nature of this freedom, including its content and the consequences of its manifestations in the field of human rights and fundamental freedoms.

The freedom of conscience is a natural human right, provided even by *Jus naturale*.<sup>21</sup> We become aware of it through a cognitive act, that is, through knowledge, which *ipso facto* implies an educational and training process.<sup>22</sup> In other words, freedom is taught and learnt. This is true not only for “the freedom of conscience,” but also for “the freedom of religious conscience.”

This educational and didactic process has been known and practiced since Antiquity. The Psalmist testifies to this reality; among other things, he confessed: “I have understood more than all my teachers: because thy testimonies are my meditation” (Psalm 118, 99).

The Psalmist, who had acquired the knowledge of God’s “Mysteries of Life” through “Revelation” (Discovery), actually succeeded in surpassing his teachers also in the interpretation of the Torah. It was precisely this revealing knowledge that had granted him the “freedom” to think of the testimonies of the Divine Revelation, and, *ipso facto*, to have faith.

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*tate” în percepția gândirii vechiului Drept românesc (The Idea of Law and Justice from the Perspective of the Old Rmanian Law). “Revista de Teologie Sfântul Apostol Andrei” (St. Andrew Journal of Theology), VI, 1 (2002), pp. 51—59.*

<sup>19</sup> Recommendation no. 94 (12) of the Committee of Ministers to the Member States on the independence, efficiency and role of judges (Adopted by the Committee of Ministers on 13 October 1994 at the 516th Meeting of State Secretaries), apud *Curtea Europeană a Drepturilor omului* (European Court of Human Rights), Moroșan, București 2006, p. 377.

<sup>20</sup> *Ibidem*, p. 373.

<sup>21</sup> See N. V. DURĂ: *The Right to Freedom of Religion during of Emperors Cyrus “the Great” (559—529 BC) and Alexander “the Great” (336—323 BC)*. “Studii filosofice” (Philosophical Studies), I, 2 (2015), pp. 231—242.

<sup>22</sup> See, N. V. DURĂ: *Instruction and Education within the themes of some International Conferences. An evaluation of the subjects approached by these from the angle of some Reports, Recommendations and Decisions*. In: *Exploration, Education and Progress in the third Millennium*, II, University Press, Galați 2009, pp. 203—217.



Naturally, the act of faith has to be perceived also as an act of Freedom, which requires “*alterum non laedere*” (not to harm another person), that is, not to harm another person’s freedoms, and “*suum cuique tribuere*”<sup>23</sup> (to give everyone what is due to him/her), that is, the respect due to one’s human dignity,<sup>24</sup> imposed by the Divine Law and by the Natural Moral Law.

According to philosopher Henri Bergson, “a being feels bound unless it is free, and any obligation, considered separately, implies freedom.”<sup>25</sup> In other words, only freedom empowers the human being (and makes him/her responsible), both in relation to oneself and to the members of the society, hence its supremacy towards any rule of law. The very same philosopher also underscored the fact that “we find the social demand only within the moral obligation,”<sup>26</sup> provided both by the Divine Law and by the Natural Moral Law.

In his work, “On Liberty,” published in 1859, John Stuart Mill wrote that “as soon as a part of one’s beliefs prejudices another’s interests, the society has the authority to rule on it; however, it is questionable whether the general good will be promoted or not through social intervention.”<sup>27</sup> Thus, according to Mill, religious belief can harm one’s freedom only to the extent that the respective person has harmed the “public good,” that is, “*ad utilitatem publicum*,” to which the Roman Law also made reference.

Human history also revealed that, over the centuries, “often, the groups ruling a state abused power in the name of a supposedly general good that should be imposed on the society, considering themselves entitled to direct the entire social life to a general, predetermined goal, regardless of the consequences (cf. the fascist and communist totalitarian states).” However, by imposing certain “priorities,” valuations and decisions on “what is important (good, necessary, right),” some states actually violated the “sphere of individual freedom, leaving people at the disposal of arbitrary decisions of the bureaucracy that exercises power in the controlled state. In this case — a Romanian jurist rightly notes — we cannot talk about law supremacy, but about the supremacy of the authorities’

<sup>23</sup> Justiniani Institutiones, lb. I, I, 3.

<sup>24</sup> N. DURĂ, C. MITITELU: *Principii și norme ale Dreptului Uniunii Europene privind drepturile omului și protecția lor juridică (Principles and norms of European Union law on human rights and their legal protection)*. Arhiepiscopia Tomisului, Constanța 2014.

<sup>25</sup> H. BERGSON: *Cele două surse ale moralei și religiei (The two sources of morality and religion)*. Translated by D. MORĂRAȘU. Institutul European, București, 1998, p. 52.

<sup>26</sup> Ibidem, p. 53.

<sup>27</sup> J. S. MILL: *Despre libertate (On Liberty)*. Translated by A. P. ILIESCU. Humanitas, București 2001, p. 85.

subjectivity, the supremacy of the leaders of a powerful group. On the other hand — the respective jurist points out — disregarding the general public interests, maintaining order and balance within the society, ensuring general prosperity, through legality, has destructive effects, even on individual freedoms.”<sup>28</sup>

The abuse of power committed on behalf of greater social good leads not only to totalitarian dictatorship, whether fascist or communist, but also to the violation of individual freedom. However, lack or ignorance of this freedom leads naturally to the breach of social order, and *ipso facto*, to the violation of state laws and of the rule of law. This has a negative impact on every person’s freedom of conscience, and prevents the transition from the rule of law to the “democracy of freedom.”

The Universal Declaration of Human Rights (1948) provided for “the Freedom of conscience,” which underpins other rights and fundamental freedoms, such as the right to freedom of speech, the right to freedom of association, the right to freedom of religious education etc.<sup>29</sup> Since then, the freedom of conscience has been provided and guaranteed by the main international and national legal instruments not only as one of the fundamental human freedoms,<sup>30</sup> but also as their *origo* (source).

Defined as a “natural right,” the freedom of conscience offers and provides for “the person’s ability to express in particular or in public a certain conception of the surrounding world, to have (or not) a religious

<sup>28</sup> D.V. SAVU: *Libertăți fundamentale și cetățenești în Uniunea Europeană (Fundamental and Citizenships Freedoms in the European Union)*. A.S.E., București 2007, pp. 15—16.

<sup>29</sup> See C. MITITELU: *The Right to Religious Education. The Romanian Legislation and Religious Education*. In: *Educația religioasă în context European (Religious education in the European context)*. Didactică și Pedagogică R.A., București 2014, pp. 180—188.

<sup>30</sup> See N.V. DURĂ: *Principalele organisme și organizații internaționale cu preocupări și atribuții în domeniul promovării și asigurării protecției juridice a drepturilor omului (Main international bodies and organizations with concerns and attributions in the field of promoting and ensuring the legal protection of human rights)*. *Dionysiana*, I, 1 (2007), pp. 18—25; IDEM: *The European juridical thinking, concerning the human rights, expressed along the centuries*. “Acta Universitatis Danubius. Juridica”, VII, 2 (2010), pp. 153—192; IDEM: *Proselytism and the Right to Change Religion: The Romanian Debate*. In: *Law and Religion in the 21st Century. Relations between States and Religious Communities*. Eds. S. FERRARI, R. CRISTOFORI. Ashgate Publishing Limited, England 2010, pp. 279—290; IDEM: *General Principles of European Union Legislation Regarding the Juridical Protection of the Human Rights*. “Journal of Danubius Studies and Research”, III, 2 (2013), pp. 7—14; IDEM: *The Universal Declaration of Human Rights*. In: *10th Edition of International Conference The European Integration — Realities and Perspectives*. Danubius University Press, Galati 2015, pp. 235—242; C. MITITELU: *The European Convention on Human Rights*. In: *10th Edition of International Conference The European Integration — Realities and Perspectives*. Danubius University Press, Galati 2015, pp. 243—252.

faith, to belong (or not) to a religious denomination or to an organization of any kind, recognized by the existing constitutional order at a certain time.”<sup>31</sup>

However, in neither of these international and national legal instruments, there is no explicit reference to “the freedom of religious conscience,” but only to “the freedom of conscience.”

That “freedom of religious conscience” is the “matrix” of all freedoms, and, *ipso facto*, the source of “moral principles,” is confirmed even by some Romanian jurists nowadays. Indeed, according to their assertion, “Freedom, as a fundamental principle of the rule of law, is the foundation of all moral principles and implies the elaboration of such norms of law guaranteeing all persons to manifest themselves according to their own choices, in their relationships with the other members of the community.”<sup>32</sup>

The freedom of conscience — which is also cited as a legal basis for other freedoms, such as “the freedom of speech” and “the freedom of association” — has legal implications and it is endowed with a philosophical nature,<sup>33</sup> hence its approach also through the lens of the respective jurist or philosopher. For example, according to a Romanian jurist, who also has a solid philosophical background, we have to make a clear distinction between “the conscience’s freedom” and “the freedom of conscience”; according to this jurist, between these two concepts, “there is a difference both in terms of terminology and content.”<sup>34</sup>

As far as the conscience’s freedom is concerned, it is said that it “expresses the ontological value of conscience,” and that in this hypostasis, “it can only be free, without any constraints of natural or temporary determinism.”<sup>35</sup> In fact, in the concrete and universal human world, conscience can have “determinations, but it does not have limitations, conditions or constraints; these determinations have a moral nature.”<sup>36</sup>

<sup>31</sup> M. ANDREESCU: *Principii și valori... (Principles and Values...)*, p. 296.

<sup>32</sup> T. TOADER, M. SAFTA: *Constituția României, cu legislație conexă și jurisprudență actualizate la data de 14 mai 2015 (The Romanian Constitution, with related legislation and updated jurisprudence on May 14, 2015)*. Hamangiu, București 2015, p. 143.

<sup>33</sup> See N. V. DURĂ: „Conștiința” în percepția Teologiei și a Filosofiei (“Conscience” in *Theology and Philosophy*). “Revista de Teologie Sfântul Apostol Andrei” (St. Andrew Journal of Theology), XIII, 1 (2009), pp. 27—37; IDEM: „Teologia” și „Filosofia”. *Convergențe sau divergențe ideatice?! (“Theology” and “Philosophy.” Ideational convergence or divergence?)*. In: *Simpozionul național „Constantin Noica” „La început era Cuvântul” (National Symposium “Constantin Noica”: “In the beginning there was the Word”)*, 4th edn. Constanța 2012, pp. 175—207.

<sup>34</sup> M. ANDREESCU: *Principii și valori... (Principles and Values...)*, p. 290.

<sup>35</sup> Ibidem.

<sup>36</sup> Ibidem.

That freedom of religion cannot be limited or subjected to “any constraint”; this is expressly stipulated by the International Covenant on Economic, Social and Cultural Rights<sup>37</sup> (see Article 13, paragraph 2), hence the parents’ freedom “to ensure the religious and moral education of their children in conformity with their own convictions” (Article 13, paragraph 3).

The same jurists of philosophical and Hegelian training also speak of the “moral content of conscience” which, according to their claims, “represents precisely the freedom of conscience and the spiritualization and rationalization of the human being in relation to himself/herself, to his/her peers and to the entire universe.”<sup>38</sup>

Thus, in the philosophical perception of these jurists, its moral content underlies the human being’s spiritualization and rationalization process. In other words, we can say that a conscience that lacks its moral content does not know and does not apply the “Laws of Freedom” (Hegel); hence the obvious necessity of relating our freedom first of all to the Natural Moral Law,<sup>39</sup> also revealed by *Jus naturale*,<sup>40</sup> and then by *Jus scriptum*<sup>41</sup>, that is, the Human Law.

However, it must be emphasized that, by its norms, “the Law does not create, it does not determine the freedom of conscience; it only recognizes it because it pre-exists ontologically on constitutional norms.”<sup>42</sup> Indeed, constitutional rules do not define the freedom of conscience and its content; they only recognize it (see Article 29, paragraph 2 of the Romanian Constitution).

Romanian constitutionalists also limited themselves only to the recognition and explanation of the provisions of international law on the freedom of conscience.

<sup>37</sup> See N. V. DURĂ, C. MITITELU: *International Covenant on Economic, Social and Cultural Rights*. In: *8th Edition of International Conference The European Integration — Realities and Perspectives*. Danubius University Press, Galati 2013, pp. 130—136; C. MITITELU: *The Children’s Rights. Regulations and Rules of International Law*. “Ecumeny and Law”, 3 (2015), pp. 151—169.

<sup>38</sup> M. ANDREESCU: *Principii și valori... (Principles and Values...)*, p. 290.

<sup>39</sup> See N. V. DURĂ: *Loi morale, naturelle, source du Droit naturel et de la Morale chrétienne*. In: *La morale au crible des religions (Studia Arabica XXI)*. Coord. M. Th. URVOY. Éditions de Paris, 2013, pp. 213—233.

<sup>40</sup> N. V. DURĂ: *Despre „Jus naturale”. Contribuții filosofico-juridice (About “Jus Naturale”. Philosophical-legal contributions)*. “Revista de Teologie Sfântul Apostol Andrei” (St. Andrew Journal of Theology), XVIII, 1 (2014), pp. 39—52.

<sup>41</sup> See N. V. DURĂ, C. MITITELU: *The human fundamental rights and liberties...*, pp. 7—22.

<sup>42</sup> M. ANDREESCU: *Principii și valori... (Principles and Values...)*, p. 290.

The Freedom of Conscience is "affected by the conditions, limitations and even by the constraints imposed by the legal norm."<sup>43</sup> But, such conditions, limitations or constraints of the Freedom of conscience are imposed not only by the legal norm, but also by the moral law.

In the Romanian Constitution, the Freedom of Conscience is preceded by "the Freedom of Thought and Opinion" (Article 29, paragraph 1), followed by "Religious Freedom" (Article 29, paragraph 3); hence the conclusion of some contemporaneous Romanian jurists that the purpose of Article 29 of the Romanian Constitution is "to protect and guarantee the individual freedom of thought, conscience and religion"<sup>44</sup>

However, in the European Convention of Human Rights, reference is made to "the right to the freedom of thought, conscience and religion," the latter freedom including the freedom of any person "to manifest their religion or faith" also "through education" (Article 9, paragraph 1). It is therefore a right to all the three freedoms, provided both by natural and by the positive law.

In our view, it would be advisable to reintroduce the phrase from the European Convention on Human Rights in the Romanian constitutional text, and to refer thus to the "right to freedom of thought, conscience and religion," not only to their "freedom."

Regarding any person's freedom to make known the doctrine of his/her religion also through "religious education," the European Court of Justice ruled that "it stems first of all from the inner forum,"<sup>45</sup> that is, the conscience; hence the conclusion drawn by the judges at the European Court that the act of faith (and, respectively, the religious faith) does not concern "school education," which is protected by the provisions of Article 2 of the first Additional Protocol. It concerns only the justification of "carrying out the training and dissemination activity of a particular denomination."<sup>46</sup>

Among other things, Article 2 of the First Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (Paris, 20 March 1952) also provides for "the parents' right" to ensure their children "education and training according to their religious and philosophical convictions."<sup>47</sup>

<sup>43</sup> Ibidem.

<sup>44</sup> T. TOADER, M. SAFTA: *Constituția României... (The Constitution of Romania...)*, p. 143.

<sup>45</sup> Apud C. BÎRSAN: *Convenția europeană a drepturilor omului. Comentarii pe articole (The European Convention on Human Rights. Comments on articles)*. 2nd edn. C.H. Beck, București 2010, p. 746.

<sup>46</sup> Ibidem, p. 747.

<sup>47</sup> Ibidem, p. 1753.

However, in its decisions, the European Court of Justice<sup>48</sup> referred this parental right “to the provisions of Articles 8, 9 and 10 of the Convention, which guarantee the right to private and family life, the right to freedom of thought, conscience and religion and the right to freedom of information and expression.”<sup>49</sup>

Nevertheless, the European Court made it clear that “parents can claim states to respect their religious and philosophical beliefs” because “it is a right that corresponds to a responsibility closely connected to the valorization of the right to education (which belongs to the children).”<sup>50</sup>

In its Preamble, the Treaty of Lisbon,<sup>51</sup> signed on 13 December 2007 — amending the Treaty on the European Union and the Treaty establishing the European Community — refers expressly to Europe’s “heritage,” which it identifies and enumerates not through the lens of historical reality, but influenced by the mentality of the human being still imprisoned in the political ideology of the French Revolution from 1789 and of the Bolshevik Revolution from 1917.

The amended text of this EU Treaty speaks first of all of the “cultural heritage” and then of “the religious” one (Article 1, paragraph 1a), although the former was born later, and more precisely in temples and Churches; thus, the term “culture” is derived from two Latin words, namely, *cultura/ae*<sup>52</sup> (cultivation, education, formation, cult (religious)), and *cultus-us*<sup>53</sup> (cultivation, cult (religious), honour of Divinity).

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<sup>48</sup> On the Decisions of the European Court of Justice on the parents’ right to ensure their children a religious education according to their own religious beliefs, see C. MITITELU: *Provisions of Principle with European Constitutional Value on the “Person’s” Right to Freedom and Security*. “Journal of Danubius Studies and Research”, VI, 2 (2016), pp. 158—165; IDEM: *About the Right to the Freedom of Religion*. In: *LUMEN: Rethinking Social Action. Core Values*. Coord. A. SANDU et al. Medimond, Bologna, 2015, pp. 833—838.

<sup>49</sup> C. BÎRSAN: *Convenția europeană... (The European Convention...)*, p. 1756.

<sup>50</sup> Ibidem, p. 1765.

<sup>51</sup> See N. V. DURĂ: *Drepturile și libertățile omului în gândirea juridică europeană. De la „Justiniani Institutiones” la „Tratatul instituind o Constituție pentru Europa” (Human Rights and Freedoms in European Legal Thought. From “Justiniani Institutiones” to the “Treaty establishing a Constitution for Europe”)*. “Analele Universității Ovidius. Seria: Drept și Științe Administrative” (Ovidius University Annals. Series: Law and Administrative Sciences), 1 (2006), pp. 129—151; IDEM: *The right to freedom of religion*. “Annales Canonici”, 10 (2014), pp. 27—40; IDEM: “Rights,” “Freedoms” and “Principles” Set Out in the Charter of Fundamental Rights of the EU. “Journal of Danubius Studies and Research”, VI, 2 (2016), pp. 166—175.

<sup>52</sup> See G. GUȚU: *Dicționar Latin-Român (Latin-Romanian Dictionary)*. Științifică și Enciclopedică, București, 1983, p. 288.

<sup>53</sup> Ibidem, pp. 288—289.

Among other things, the Treaty of Lisbon also stipulates that “the Union respects and does not prejudice the status enjoyed by the Churches and by the religious Associations or Communities from the Member States, under the national law” (Article 16 C, paragraph 1).

The Treaty also stipulates that the European Union recognizes their “specific identity and contribution” and “maintains an open, transparent and constant dialogue with these Churches and Organizations” (Article 16 C, paragraph 3).

The European Union therefore recognizes the legal status of religious denominations under the national law. At the same time, the EU recognizes both the identity of religious denominations and their specific contribution, and maintains a transparent and constant dialogue with them.

Of course, the EU’s attitude towards religious denominations must be adopted by all member states; hence the obligation of the relevant institutions and bodies from these states to carry out this dialogue directly, transparently and constantly, not only through the media, which is often interested both in the rating profit and in propagating the ideas of their political partisanship.

The same Treaty of Lisbon stipulates that the European Union “is competent to carry out actions to support, coordinate or complement the action of the Member States” in various “fields,” including “vocational education and training” (Article 2 E-C 306/48).

On the other hand, education also involves religious education, and, *ipso facto*, the parents’ right to provide their children with a religious education or training according to their own religious faith, in state schools.

According to the provisions of the Romanian Constitution, the state explicitly assures both “the freedom of conscience” (see Article 29, paragraph 2) and “the freedom of religious education, according to the specific requirements of each denomination” (Article 32, paragraph 7). Moreover, the text of the very same paragraph 7 (Article 32 of the Romanian Constitution) stipulates that “in State schools, religious education is organized and guaranteed by law.”

Under the same Romanian Constitution, parents also have the right to provide their children with education according to their own beliefs or religious faith. Indeed, according to the provisions of Article 29, paragraph 6, “Parents or guardians have the right to ensure, according to their own beliefs, the education of the underage children under their responsibility.”

The Treaty of Lisbon<sup>54</sup> — whose text was in fact drafted as a constitution of the EU — also provided for “the freedom to establish educational institutions respecting the democratic principles and the parents’ right to ensure their children their education and learning according to their religious convictions [...], in accordance with the national laws governing the exercise of these freedoms and rights” (Article II-74, paragraph 3).

Thus, the EU legislation expressly provides without any ambiguity for the parents’ right to provide their children with religious education in public schools.<sup>55</sup>

Among other things, in Decision no. 669 of 12 November 2014, the Constitutional Court of Romania stated that “the inclusion of religion as a school subject, part of the common core, is not *ipso facto* a problem likely to trigger the non-observance of the freedom of conscience, as long as the established provisions do not generate the obligation to attend the courses of a particular religion, contrary to another’s convictions.”<sup>56</sup>

In the very same decision, the Constitutional Court also notes that the provisions of Article 9 paragraph 1 of the Education Law no. 84/1995 and Article 18 paragraph 1 of the National Education Law no. 1/2011 represent in fact “a consecration of the constitutional provisions of Article 32 paragraph 7.”<sup>57</sup> Under these provisions, “the State ensures the freedom of religious education, according to the specific requirements of each denomination. In state schools, religious education is organized and guaranteed by law.”

In the interpretation of the Romanian Constitutional Court, the establishment of the compulsory nature of religion as a school subject, part of the common core, aims at “fulfilling the above-mentioned constitutional exigencies, by the achievement by the state of the obligation to include this subject in the Educational Framework.”<sup>58</sup>

The same Constitutional Court finds that both Article 32 of Law no. 489/2006 on religious freedom and the general regime of Denominations (republished in the *Official Gazette of Romania*, Part I, No. 201 of 21 March 2014), as well as Article 9 (paragraph 2) of Law no. 84/1995 and Article 18 of Law no. 1/2011 “grant the pupil the right to choose, by granting him/her the possibility of not attending these courses.”<sup>59</sup>

<sup>54</sup> See N. V. DURĂ, C. MITITELU: *The Treaty of Nice, European Union Charter of Fundamental Rights*. In: *8th Edition of International Conference The European Integration — Realities and Perspectives*. Danubius University Press, Galati 2013, pp. 123—129.

<sup>55</sup> See, C. MITITELU: *The Right to Religious Education...*, pp. 180—188.

<sup>56</sup> Decision no. 669 of 12 December 2014, no. 16. Published in the *Official Gazette* no. 59 of 23.01.2015. See also [https://www.ccr.ro/files/products/Decizie\\_669\\_2014.pdf](https://www.ccr.ro/files/products/Decizie_669_2014.pdf)

<sup>57</sup> *Ibidem*.

<sup>58</sup> *Ibidem*.

<sup>59</sup> *Ibidem*.



In addition, the Romanian Constitutional Court finds that, “under article 32 paragraph 5 of the Constitution [...], religious education refers both to the educational institutions established by Denominations for the purpose of training their own denomination staff [...] and to the religious education carried out in state schools; thus, there are observed both the freedom of conscience and the respect of the parents’ or the guardians’ right to ensure the education of their underage children according to their (religious) faith.”<sup>60</sup>

In the interpretation of the same Constitutional Court, under Articles 29 and 32 of the Constitution, the state has “both the negative obligation of not interfering in one’s formation or adoption of a particular belief or religious faith,” and “the positive obligation to create the legislative and the institutional framework necessary for the exercise of the rights provided by articles 29 and 32 of the Constitution, when a person manifests his/her interest in studying or receiving the teachings of a particular religious denomination or religion. However, in no case can a person be placed *ab initio* in the situation of defending or protecting his/her freedom of conscience, because such an approach would contravene the state’s negative obligation; by virtue of this obligation, the state cannot impose the study of religion.” Hence the apodictic conclusion of the Constitutional Court, according to which “only after the major pupil, respectively the parents or the legal guardians of the underage pupil had expressed the wish to acquire through studies the specific precepts of a certain religious denomination, the State’s positive obligation to ensure the necessary framework arises.”<sup>61</sup>

In the same Decision no. 669/2014, the Constitutional Court recommends that “when adopting its regulations in education, the legislator must take into account that Article 29 paragraph 6 of the Constitution guarantees the right to religious education and not the obligation to attend religious courses. In this respect, the free expression of options necessarily implies the person’s own initiative in the sense of attending the subject ‘Religion,’ and not his/her tacit consent or express refusal.”<sup>62</sup>

It should also be pointed out that Decision no. 669/2014 of the Constitutional Court expressly refers to the “freedom of religious conscience otherwise categorized” as part of the value system (Article 21). It is for the first time, in a Romanian legal text, when “the freedom of religious conscience” is also referred to as “part of the value system.”

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<sup>60</sup> Ibidem, no. 17.

<sup>61</sup> Ibidem, no. 19.

<sup>62</sup> Ibidem.

Those who are familiar with the literature on the subject can easily realize that the authors of the Decision no. 669/2014 were no longer tributaries to the French legal doctrine, underlain by the ideological platform of the French Revolution of 1789, which referred only to “freedom of conscience” (*la liberté de conscience*),<sup>63</sup> and not to “freedom of religious conscience,” which was provided and guaranteed both by *Jus divinum* and *Jus naturale*, on the one hand, and by *Jus positivum* (written law), namely *Jus Romanum* (Roman Law), on the other hand.

The same Constitutional Court assigns to “the freedom of religious conscience [...], the imperative of tolerance, especially in relation to the human dignity guaranteed by article 1 paragraph 3 of the Fundamental Law, which dominates the entire value system as the supreme value. In principle, this ground excludes that the activities and behaviours stemming from a certain attitude of faith or non-religious philosophical beliefs be subject to sanctions that the state provides for such behaviour, regardless of the person’s motivation of faith” (Article 21 of Decision no. 669/2014).

The Constitutional Court thus associated the freedom of religious conscience to the “imperative of tolerance, which is related to human dignity”; the latter “must be taken into account by any person, regardless of his/her religious faith, because *dignitas humana*<sup>64</sup> is the supreme human value, whereby the acts of faith or disbelief that harm it must be judged and punished.”

Finally, according to the interpretation given by the Constitutional Court, the Romanian State’s “duty of neutrality and impartiality” regarding the observance of “the Freedom of conscience and religion [...] is achieved when the State monitors the observance of these freedoms, granting the parents, the legal representatives of underage children and the major pupils the possibility to apply for the attendance to religious classes” (no. 22 of Decision 669/2014).

According to the interpretation of the Romanian Constitutional Court, the State materializes its obligation of “neutrality” and “impartiality” towards the recognized religious denominations by asserting and guaranteeing the two freedoms, namely, the freedom of conscience and the freedom of religion. In terms of the religious education provided at

<sup>63</sup> Article 1 of the Law of 9 December 1905 of the French Republic. This Law is improperly called the Law of the Separation of the State from the Church.

<sup>64</sup> See N. V. DURĂ: *Dreptul la demnitate umană (dignitas humana) și la libertate religioasă. De la „Jus naturale” la „Jus cogens” (The right to human dignity (dignitas humana) and religious freedom. From “Jus naturale” to “Jus cogens”)*. “Analele Universității Ovidius. Seria: Drept și Științe Administrative” (Ovidius University Annals. Series: Law and Administrative Sciences), 1 (2006), pp. 86–128.

state schools, this obligation is materialized by ensuring and guaranteeing the possibility for parents or legal guardians to ask the state authorities that their children attend religious classes.

All the considerations and assessments made in this paper reveal therefore the possibility to ascertain that the freedom of religious denominations to confess their own religious faith and to carry out educational and missionary activities derives from the right to “the freedom of conscience,” underlain in fact by *Jus divinum* and *Jus naturale*, against which not even a *consuetudo* can acquire the power of law (see Canon 24 § 1 of the Code of Canon Law).

In lieu of the conclusions, we should note that the Right to Religious Freedom also implies the right of every human being to confess his/her religious faith, and, *ipso facto*, to make known the teachings of his/her religion or religious denomination, both through “missionary activities,” as well as through “religious education,” be it confessional or state education.

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NICOLAE V. DURĂ

## The Right to the “Freedom of Conscience”, Legal Basis for the Educational and Missionary Activity of Religious Denominations

### Summary

The right to freedom of religion has its juridical basis not only in *jus positivum* (the written law), that is, *jus civile*, but also in *jus divinum* and *jus naturale*, hence the obligation of any *judex* to be acquainted with and apply the latter’s provisions in matter of religious faith.

In order to highlight these ideas, in this study, we made express reference to the European and national legislation, on the one hand, and to the works elaborated by jurists of philosophical training, on the other hand.

Among other things, subsequent to the assessment of these texts and works, an expert reader will be able to notice that the transformation of the right to religious freedom, from a simple juridical act to a state of moral consciousness, also requires an act of faith, which, in fact, provides the idea of freedom with its original ontological dimension.

Our study also provides the reader with the opportunity to conclude that the right to freedom of conscience entitles any human being to make known the doctrine of his/her religion, both through missionary activities and religious education in confessional and state schools.



NICOLAE V. DURĂ

## Le droit à « la liberté de conscience », les bases juridiques de l'activité éducative et missionnaire des confessions religieuses

### Résumé

Le droit à la liberté religieuse a son fondement non seulement dans *jus positivum* (droit écrit), c'est-à-dire *jus civile*, mais aussi dans *jus divinum* et *jus naturale*. D'où l'obligation de faire connaissance avec les résolutions de chaque de ces types de droits quant aux questions religieuses et de les employer par chaque *judex*.

Afin de présenter en détail ces types de droits, on s'est référée dans le présent article, d'un côté, à la législation européenne et nationale, de l'autre, aux travaux des juristes se spécialisant dans l'approche philosophique du droit. Après avoir analysé leurs travaux, on peut apercevoir que la transformation du droit à la liberté religieuse inclus dans l'acte juridique en état de conscience morale de l'usager de droit exige également un acte de foi qui en réalité donne à la notion de liberté sa dimension ontologique primitive.

Le présent article permet de tirer la conclusion que le droit à la liberté religieuse autorise chaque homme non seulement à la connaissance de la doctrine de sa religion, mais aussi à l'activité missionnaire ainsi qu'à l'éducation religieuse dans les écoles confessionnelles et publiques.

**Mots clés :** mondialisation, enseignement de l'Église, activité d'évangélisation et de mission de l'Église, droit canonique, législation canonique et séculière

NICOLAE V. DURĂ

## Il diritto alla “libertà di coscienza”, i fondamenti giuridici dell'attività educativa e missionaria delle confessioni religiose

### Sommario

Il diritto alla libertà religiosa ha il suo fondamento non soltanto nello *jus positivum* (diritto scritto) ossia lo *jus civile*, ma anche nello *jus divinum* e nello *jus naturale*. Da ciò scaturisce l'obbligo per ogni *judex* di prender conoscenza e di applicare le disposizioni di ciascuno di questi tipi di diritti rispetto alle questioni religiose.

Per presentare dettagliatamente questi tipi di diritti, nel presente studio si è fatto riferimento da un lato alla legislazione europea e nazionale, e dall'altro al lavoro dei giuristi specializzati nell'approccio filosofico alla legge. Dopo aver analizzato i loro lavori si può notare che la trasformazione del diritto alla libertà religiosa, compreso nell'atto giuridico in stato di coscienza morale dell'utente della legge, esige anche un atto di fede che in realtà conferisce al concetto di libertà la sua dimensione ontologica originaria.

Il presente articolo consente di trarre la conclusione che il diritto alla libertà religiosa autorizza ogni persona non solo a conoscere la dottrina della propria religione, ma anche all'attività missionaria e all'istruzione religiosa nelle scuole confessionali e statali.

**Parole chiave:** globalizzazione, insegnamento della Chiesa, attività evangelico-missionaria ecclesiastica, diritto ecclesiastico, legislazione canonica e laica



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## The Sacrament of Confirmation as a Call to the Evangelization Directed towards Young People

**Keywords:** Confirmation, evangelization, young people, effects of Confirmation

### Introduction

The contemporary Western world, built on the Latin, Christian civilization is progressively and more and more effectively indoctrinated by champions of the liberal-secular ideology. At the same time, by Islam, the followers of which so to speak colonize Europe due to war and economic migration. Catholics can oppose it by making attempts at evangelizing such persons, and fellow believers whose faith needs strengthening and consolidating. It seems the most easily done in the case of young people, who are very receptive and search for role figures amongst their peers. Receiving the sacrament of Confirmation which serves to strengthen the faith and add forces to actively propagating it, is a strong stimulus able to influence the young person on his or her way to undertaking the evangelizing activity. The present article is aimed at showing the sacrament of Confirmation in the context of calling young people to conducting activity of evangelization. In its first part, in the historical perspective, the problem of Confirmation and appointing a Christian to the evangelization will be introduced. Next, we will discuss the current teaching of the Church concerning the issue in question, to end up with a consideration

of the problem of evangelization through the involvement of young people in some sacraments.

## The Confirmation as appointing for evangelization in the history of the Church

The sacrament of Confirmation is showing effect of the Holy Spirit within man. During his earthly life, Jesus Christ foretold sending the Comforter by his Father, who will stay with pupils forever, teaching them the whole truth, that is, God's revelation.<sup>1</sup> The Holy Spirit would be supporting the disciples and keep them company after the Son of God had departed, he would also judge and defeat disbelief then ruling in the world.<sup>2</sup> The announced pouring out of the Holy Spirit on the day of Pentecost included not only the Apostles, but also every baptized person,<sup>3</sup> in such a way that they should start propagating the Gospel, instigating the evangelization of the entire world.

Gifts of the Holy Spirit are imparted by laying on of hands, and they manifest themselves in a form of the receiving person speaking in tongues and prophesying. The mentioned signs testify to the presence of the messianic era and they too prove to be instrumental in propagating the salvific advent of Jesus.<sup>4</sup> By the gifts of the Holy Spirit, the baptized during beginnings of Christianity follow into His footsteps, equipped with diverse gifts, for example, piety, prayer, but first of all, according to St. Paul's teaching, achieve the capability of enriching their brethren and building the God's Church.<sup>5</sup>

Pseudo-Isidore in his (pseudo-) *Decretals* quotes letters of two popes. Pope Urban I (222—230) is instructing all the baptized faithful to receive the Holy Spirit through laying on of hands by a bishop, because Confirmation make them fully Christian, and the Holy Spirit is filling them with the prudence and the perseverance.<sup>6</sup> Another letter quoted by Pseudo-Isidore, allegedly written by Pope Miltiades (311—314), shows that Confirmation, bringing the growth of the Grace gives the baptized

<sup>1</sup> J 14, 16 f.

<sup>2</sup> J 15, 26; 16, 8—11.

<sup>3</sup> Dz 2, 1—4; 2, 38.

<sup>4</sup> B. TESTA: *Sakramenty Kościoła*. Trans. L. BALTER. Poznań 1998, p. 153.

<sup>5</sup> 1 Kor 14, 4 n.

<sup>6</sup> c. 1. D. V de cons.

power to fight and win.<sup>7</sup> The said prudence and perseverance in the fight were and remain necessary today to the faithful, in conducting the evangelization, especially in places hostile or indifferent towards Christianity. We should add that Pseudo-Isidore's *Decretals* were included into Gratian's *Decretum*, which made them a topic of lectures at universities of medieval Europe.<sup>8</sup>

The evangelizing activity requires a strong faith of somebody who undertakes it. Without the said faith or a deep conviction about what is being proclaimed, such action cannot yield fruit. Strengthening one's faith is received during Confirming. The Council of Florence confirmed it officially (1439—1442) stating in the part of the Bull containing the Decree for the union with Armenians from 1439 that the sacrament is providing the Holy Spirit in order to strengthen the faith of the follower, in the same vain it had been provided to the Apostles on the day of Pentecost, so that the Christian can courageously confess Christ, particularly His cross, being a scandal to Jews and a nonsense to pagans. An effect of the sacrament of Confirmation on Christians is enabling them to bravely confess the name of Christ since they receive the gift of the Holy Spirit for their encouragement.<sup>9</sup>

Saint Thomas Aquinas wrote that Confirmation gives spiritual fortitude to Christians to live through their mature age. Moreover, what is to our particular interest herein, similarly to the Sacrament of Holy Orders, it calls the faithful to heightened personal responsibility within the Church.<sup>10</sup> The responsibility in question seems to consist among others in the obligation to promote the faith in Christ which opens the gates of Salvation for the man.

The Magisterium of the Church in the first half of the 20th century, especially the encyclical *Mystici Corporis Christi* of Pope Pius XII from 29 June 1943, emphasizes, in the context of Confirmation, the descent (in Polish *wylanie* 'the outpouring') of the Holy Spirit, who definitively devotes the man to Christ, granting the former with "seven gifts" and a special strength to profess faith, underscoring the ecclesial aspect of the ramifications of the sacrament in question.<sup>11</sup>

Summing up, we should emphasize that even though the documents of the Church did not directly refer to the evangelization in the context of the second sacrament of the Christian initiation, by verbalizing the

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<sup>7</sup> C. 2. D. V de cons.

<sup>8</sup> M. PASTUSZKO: *Sakrament bierzmowania (kanony 879—896)*. Kielce 2005, p. 307.

<sup>9</sup> *Bulla unionis Armenorum*. In: *Dokumenty soborów powszechnych*. Eds. A. BARON, H. PIETRAS, Vol. 3. Kraków 2004, pp. 512—513.

<sup>10</sup> *Summa theologica*, III a, q. 72, a. 1, a. 5, a. 8.

<sup>11</sup> B. TESTA: *Sakramenty Kościoła...*, p. 164.

effects of Confirmation they pinpointed the gifts of the Holy Spirit, enabling Christians to disseminate the Gospel in the face of adversities met while performing their mission. Such view is present already among the first Christian writing, namely in the apostolic epistles.

## The contemporary teaching of the Holy See

First, we should notice that, in the early Christian times the sacraments of Confirmation and Baptism were granted to adults. With the passage of time, the acceptance age of this sacrament started to decrease. The Sacrament of Confirmation today is usually bestowed upon the youth, and young people should be amongst the first to answer the call from Jesus which is associated with gifts provided by the Holy Spirit. The teaching of the Church concerning the matter discussed refers first of all to newly-confirmed.

The very important event in the recent history of the Roman Catholic Church were the debates occurring during the Second Vatican Council (1962—1965), whose decisions are translated into canonic language even today. Vatican II also dealt with the subject matter of the Sacrament of Confirmation. In the Dogmatic Constitution on the Church *Lumen gentium* we may read that through Baptism the faithful were included into the Church and aimed for taking part in the Christian worship and as revived God's sons and daughters obliged to profess the faith which they received from God through the Church. Through the Sacrament of Confirmation they are more closely tied to the Church, receiving the special power of the Holy Spirit they become firmly obliged as real witnesses of Christ to promote and defend the faith with the word and the act.<sup>12</sup> Therefore, the mentioned document claims that accepting Christianity is for the faithful equal with accepting the duty of professing the faith received from the Creator. It seems that it concerns the duty in a passive sense, that is, admitting the faith publically and living by it.

In the case of Confirmation young people who receive it engage into active propagating of faith amongst other people, particularly amongst their peers by words and acts. It is more serious, more firmly stressed obligation of the evangelization of contemporary world, also through the defense of the Christian faith, frequently fought against in the 21st century by diverse secular or Muslim circles.

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<sup>12</sup> KK 11.

Upon completion of the Council Pope Paul VI reformed ceremonies of bestowing the Sacrament of Confirmation. In the Apostolic Constitution *Divinae consortium naturae*, in the fragment introducing the renewed ceremony, he wrote: “through the sacrament of confirmation revive on baptism receive the inexpressible Gift of Holy Spirit which is strengthening them in the special way.”<sup>13</sup> The Pope emphasized the fact that the received gift strengthens individuals accepting confirmation in the exceptional way. Such special strengthening is necessary while conducting an evangelizing mission because a young Christian can be exposed to adversities of different kind.

The Code of Canon Law refers to the obligations of persons receiving the sacrament in question. We may read in it that through Confirmation’s pressing character, baptized on the road of Christian initiation are enriched with the gift of the Holy Spirit, become further entwined with the Church. This gift strengthens them and obliges them to become witnesses of Christ through their words and acts promoting and defending the faith.<sup>14</sup> As noted by Krzywda, the instigative power of the Holy Spirit brings about the particular gifts and obligations, showing a specific structure and dynamics of this sacrament.<sup>15</sup> Therefore, through a more excellent joining with the Church, becoming more deeply embedded within it, the duty of promoting the faith becomes further emphasized, one could even say, from Confirmation onwards — more firmly required by the Church community. Similarly to nation states, that require from their citizens the defense of their homeland’s territory, the Church expects from their faithful, even young ones, to defend the most valuable value which is faith, as well as to promote it according to the will of Jesus Christ.

The Code of Canons of the Eastern Churches summarizes the issue in question in one sentence — the baptized should receive the sacrament of “chrismation”<sup>16</sup> in order to become witnesses and co-builders of the Kingdom of Christ.<sup>17</sup> The code does not refer directly to the duty resulting from accepting Confirmation, but rather about the consequences of receiving the sacrament. Receiving the Sacrament of Confirmation makes the faithful responsible for construction of the Kingdom of Christ and such construction is connected among others with convincing others, so that they should set about on the path of Christianity. Probably omit-

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<sup>13</sup> PAULUS VI: *Constitutio Apostolica Divinae consortium naturae*, 15.08.1971, AAS 63(1971) p. 660.

<sup>14</sup> CIC 1983, can. 879.

<sup>15</sup> J. KRZYWDA: “Sakrament bierzmowania.” In: *Komentarz do Kodeksu prawa kanonicznego*. Ed. J. KRUKOWSKI, Vol. III/2, Poznań 2011, p. 67.

<sup>16</sup> It is the name of the Sacrament of Confirmation used in the Eastern Churches.

<sup>17</sup> *Codex Canonum Ecclesiarum Orientalium*, can. 692.

ting the clear commitment of the evangelization is due to the fact that in Eastern Churches, Confirmation is usually granted along with Baptism already to small children.<sup>18</sup>

Another extremely important document of the Holy See is the *Catechism of the Catholic Church*, which appeared during the pontificate of the Pope John Paul II in 1992. The catechism pays particular attention to the fact that Christ repeatedly promised the ascent of the Holy Spirit and eventually, on the days of the Passover and Pentecost, He fulfilled this promise. Since then the apostles started to disseminate the news of the “great works of God.”<sup>19</sup> That was the beginning of evangelization of the world. Further, the document in question enumerates the effects of confirmation. They are:

- the increase and deepening of baptismal grace,
- more in-depth embeddedness in the divine sonship,
- closer unification with Christ,
- multiplying the gifts of the Holy Spirit,
- the improvement of the unity with the Church,
- granting real witnesses of Christ with the special power of the Holy Spirit for promoting and defense of the faith by words and acts, confessing the name of Christ and proudly acknowledging His cross.<sup>20</sup>

The document in question constitutes the summing up of the earlier statements of the Magisterium of the Church concerning the issue in question. A young person through their confirmation receives the multiple gifts of the Holy Spirit which unite him or her more closely with the Son of God and, by the same token, embed them within the Church. They also fill them with the special power to promote the faith, that is, undertaking the evangelizing activity. As stressed by Thomas Aquinas, a confirmed Christian receives the power to publically confess the faith in Christ, as though it was a kind of official duty (*quasi ex officio*). However, is it only a quasi-duty? How is the catechism defining the evangelization<sup>21</sup>?

Instructing the man in order to bring him or her to the faith is a task of every believer. The lay persons performs their prophetic mission also by the evangelization, that is, propagating Christ, with both the witness of the life, and their words. The evangelization is gaining specific character and the special efficiency by the fact that it takes places in the circumstances typical to the material world. This kind of missionary activity does not consist solely in the witness of one’s life, but also searching for the chance

<sup>18</sup> Ibidem, can. 695 par. 1.

<sup>19</sup> *Katechizm Kościoła Katolickiego*, no. 1287.

<sup>20</sup> Ibidem, no. 1302.

<sup>21</sup> S. THOMAS AQUINAS: *Summa theologiae*, III, 72, 5, ad 2.



of propagating Christ amongst the believers and atheists, also verbally.<sup>22</sup> The Code of Canon Law indirectly refers to the duty of evangelizing. Every follower should contribute to the improvement of the Church. They also have to co-operate within an extent of broadening God's prophesy concerning salvation so that it included the people of every times and the entire world.<sup>23</sup> This duty arises from the ontological-sacramental position of the faithful, assigning the participation in the mission of the Church, entrusted to them through the sacraments of Baptism and Confirmation. This responsibility is personal in its character and can be carried out both individually and together with other faithful.<sup>24</sup>

As noticed by Testa, the key point of Confirmation is devoting the young man permanently to Christ, objectively and permanently placing such a person in the Church, as its mature member. It also gives the power to participate in the prophetic mission of the Community and the person receiving the confirmation is more able to offer themselves entirely to God, to publically witness and affirm Christ in His saving of the world through the history of humanity. For the confirmed Christians receive the power of the Holy Spirit for the realization of the mission of defending the faith and preaching the Gospel, building of the Church and conveying to the mankind the Christ's life.<sup>25</sup>

## Evangelization through the involvement in other sacraments

The duty to evangelize the world, which stems from accepting by a young person the Sacrament of Confirmation, can be fulfilled not only in the macro-scale, but also in relation to all people met during one's lifetime. The realization thereof is equally possible in the micro-scale, by accepting the role of a godparent or a witness to someone else's Confirmation. Accepting confirmation allows one to partake in officiating Baptism and Confirmation of one's godson or goddaughter.

In order to accept the task of being a godparent, according to the Law currently in force, one should meet the following criteria:

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<sup>22</sup> *Katechizm Kościoła Katolickiego*, nos. 904—905.

<sup>23</sup> CIC 1983, can. 210—211.

<sup>24</sup> J. KRUKOWSKI: "Wierni chrześcijanie." In: *Komentarz do Kodeksu prawa kanonicznego*. Ed. J. KRUKOWSKI, Vol. II/1, Poznań 2005, p. 27.

<sup>25</sup> L. LIGIER: *La confermazione. Significato e implicazione ecumeniche ieri e oggi*. Roma 1990, pp. 264—265; B. TESTA: *Sakramenty Kościoła...*, pp. 167—168.

- appointment by person entitled to it,
- being at least 16 years of age,
- being free from any pending canonical penalty,
- not being a biological parent of the baptized child,
- being a member of the Roman Church or the Eastern Orthodox Church,
- having received the Sacrament of Confirmation.<sup>26</sup>

Young people being at least 16 years old can perform extremely responsible function of godparents if they have been confirmed previously. It is not possible to receive dispensation from the requirement of being confirmed, since one can only be ushered into the Church Community by a person who already fully participates in the life of the Community, and has accepted all the sacraments of Christian initiation.

The godparent's role is to accompany his godchild in the road of Christian initiation, as well as to help him or her to live in accordance with requirements of the received sacrament, faithfully fulfilling the duties that go along with it.<sup>27</sup> The godparent is therefore supposed so to bear witness to the faith, acting as the representative of the family and the Church, providing assistance in knowing and confessing the faith by the baptized child.<sup>28</sup> He or she should support natural parents when it is necessary in their efforts to help the godchildren profess the faith and express it in their behaviour.<sup>29</sup> At a later stage, the godparent is supposed to assist the child in preparation for the sacraments of Communion and Confirmation.<sup>30</sup> All these duties of the godparent, even if he or she is a young person, involve evangelizing activities pertaining to the godchild. Through the said evangelization, by both the example of one's own life in accordance with the professed faith, and the provision of knowledge about the faith, morality, everyday functioning of the Church community, the godparent properly fulfills his duties.

Young people being at least 16 years old can also be appointed for acting as the witness to Confirmation. Such a witness, in accordance with the law, must meet the same criteria as the godparent.<sup>31</sup> The mentioned function stems from the earlier commitment of being a godparent, which does not cease to be binding at the moment of receiving by the child the first sacrament, but rather stretches until he or she becomes an adult

<sup>26</sup> CIC 1983, can. 874.

<sup>27</sup> Ibidem, can. 872.

<sup>28</sup> J. KRZYWDA: *Sakrament bierzmowania...*, p. 59.

<sup>29</sup> M. PASTUSZKO: *Prawo o sakramentach św.: normy ogólne i sakrament chrztu*. Vol. 1, Warszawa 1983, p. 302.

<sup>30</sup> B. F. PIGHIN: *Diritto sacramentale*. Venezia 2006, p. 125.

<sup>31</sup> CIC 1983, can. 893.

and achieves Christian maturity by Confirmation and the Eucharist.<sup>32</sup> This period of growing up is always connected with problems of maturing persons, at which numerous doubts and questions, often concerning the issue of the faith and principles of the Christian life arise. In solving them, a witness to Confirmation (often also being a godparent) can be very instrumental by using diverse evangelizing methods. Efficiency of transmitting the faith and attracting to it, by persons only a little older than the child, is particularly strong, since the young people very often search for role figures among their peers rather than parents.

Accepting confirmation also entitles to obtain the Sacrament of the Holy Orders.<sup>33</sup> Young men usually receive the Holy Order of the deacon when being at least 23 years old and ordination to presbytery when being at least 25 years old.<sup>34</sup> These young people in the special way are obligated to evangelize. Regulations of the Code of Canon Law emphasize that they undertake to build the Body of Christ (the Church), among others by preaching the Gospel with the help of predicting and the religious education teaching, teaching religion at schools, appearing at conferences, meetings, mass media, etc.<sup>35</sup>

The Sacrament of Confirmation also entitles to making monastic vows. It is required to be accepted into the novitiate.<sup>36</sup> Young people who undertook the consecrated life, by virtue of their own devotion to God, are bearing witness to the Gospel in a special way, having been appointed by the bishop for providing assistance in propagating it.<sup>37</sup> We should notice that in their young age many among monks and nuns have become and still are today foreign missionaries travelling to other continents in order to evangelize people who do not know Jesus Christ.

To conclude, we should also mention the Sacrament of Matrimony. Before receiving it, the Church also requires the nupturients to be confirmed.<sup>38</sup> As Góralski noticed, it is an obligation and requirement, which may only be waved in a case of serious inconvenience. For the marriage requires a certain degree of Christian maturity, which accepting confirmation is supposed to prove.<sup>39</sup> We can agree with this statement only partially.

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<sup>32</sup> Z. JANCZEWSKI: "Przyjęcie sakramentu chrztu. Skutki teologiczno-prawne." In: *Przynależność do Kościoła a uczestnictwo wiernych w życiu publicznym*. Ed. J. KRUKOWSKI, M. SITARZ, B. PIERON. Lublin 2014, p. 70.

<sup>33</sup> CIC 1983, can. 1033.

<sup>34</sup> Ibidem, can. 1031, par. 1.

<sup>35</sup> Can. 275, par. 1; can. 757; can. 761.

<sup>36</sup> Ibidem, can. 645.

<sup>37</sup> Ibidem, can. 758.

<sup>38</sup> Ibidem, can. 1065 par. 1.

<sup>39</sup> W. GÓRALSKI: "Małżeństwo." In: *Komentarz do Kodeksu prawa kanonicznego*. Ed. J. KRUKOWSKI, Vol. III/2. Poznań 2011, p. 262.

For the canon legislator did not mean to treat Confirmation as an expression or a touchstone of maturity. The sacrament rather seems to be vital in the process of strengthening the future betrothed in order for them to defend and propagate the faith in their future family. The gifts of the Holy Spirit received are, first of all, to assist young people in their mutual evangelization, especially when one of them is a non-believer, his or her faith is weak, or he or she confesses other religion. Second of all, it is a call to evangelize their future offspring. With the assistance of the word and one's own example, parents should become the heralds of the faith for their children, because the family home is the first school of Christian life, where the child learns the adoration of God through the prayer and the devotion of one's life.<sup>40</sup> Through the Sacrament of Confirmation, the young living in the sacramental marriage is assigned to the evangelization of its family, particularly to the primary evangelization of the offspring within the framework of the concern for their integral development. To sum up, it can be said that receiving the Sacrament of Confirmation prepares and obliges one to the undertake the mission incredibly significant for the Church — the evangelization of the world.

## Conclusions

From the historical perspective, it is necessary to state that even though the documents of the Church did not refer directly to the evangelization in the context of the second sacrament of the Christian initiation, however verbalizing its effects referred to the gifts of the Holy Spirit, which prepare for preaching the Gospel in spite of adversities he must meet fulfilling the Christian mission. Such a presentation was already in the first written Christian sources which were apostolic letters.

The Dogmatic Constitution on the Church of the Second Vatican Council provides that accepting Christianity is posing at faithful duty of professing the faith received from the Creator. It seems to concern the duty here above all in passive meaning, that is of admitting to the faith and the personal life according to faith. In case of Confirmation, young people receiving it are taking it upon themselves to oblige active propagating the faith for other people, in it for their peers, with both the word, and the act. It is more serious, more firmly stressed obligation of the evangelization of contemporary world, also through the defense of the Chris-

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<sup>40</sup> *Katechizm Kościoła Katolickiego*, nos. 1656—1657.

tian faith, frequently fought against in the 21st century by diverse secular or Muslim circles.

Pope Paul VI in the Apostolic Constitution from 15 August 1971 emphasized the fact that the received gift strengthens individuals accepting Confirmation in the exceptional, special way. Such special strengthening is necessary while conducting an evangelizing mission because a young Christian can be exposed to adversities of different kind. The power of the Holy Spirit is bringing gifts along with particular obligations, showing a specific structure and dynamics of this sacrament. Therefore, through a more excellent joining with the Church, becoming more deeply embedded within it, the duty of promoting the faith still becomes more firmly required from the Church and confirmed by the Church community.

The evangelization is gaining specific character and the special effectiveness because it is taking place in the ordinary conditions typical of the world. The Code of Canon Law refers to the duty of evangelizing. The duty to evangelize the world, which stems from accepting by a young person the Sacrament of Confirmation, can be fulfilled not only in the macro-scale, but also in relation to all people met during one's lifetime. The realization thereof is equally possible in the micro-scale, by accepting the role of a godparent or a witness to someone else's Confirmation. Accepting Confirmation allows one to partake in officiating Baptism and Confirmation of one's godson or goddaughter.

Accepting Confirmation also entitles to obtain the Sacrament of the Holy Orders. Ordained young people are obliged to evangelize in a special way. The Sacrament of Confirmation also enables making fair monastic vows. In their young age many among monks and nuns have become and still are today foreign missionaries travelling to other continents as missionaries in order to evangelize people who do not know Jesus Christ.

Before entering into the sacramental marriage, the Church requires from the fiancés/nupturients to have received the Sacrament of Confirmation. Gifts of the Holy Spirit received in it are supposed to help young people, first in the mutual evangelization, especially when one of them is a non-believer, has a weak faith, or is practicing other religion. It is also about appearing challenges to the evangelization of their future offspring.

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ZBIGNIEW JANCZEWSKI

### The Sacrament of Confirmation as a Call to the Evangelization Directed towards Young People

#### Summary

Along with the baptism the faithful accept the duty of professing the faith received from the Creator. In a passive sense, of admitting to the faith and the personal life according to the faith. In the case of Confirmation, young people receiving it are called to a faithful duty of actively propagating the faith among other people. The gift of the

Holy Spirit, resulting from the Sacrament of Confirmation, strengthens those who receive it in a special way.

Such a special embeddedness is necessary while running an evangelizing mission, through more excellent joining with the Church and deeper inclusion in Her. The Christian duty of promoting the faith by words and acts after accepting Confirmation is more binding and, one may dare to say, more desired by the Church.

The said duty can be carried out not only on the macro-scale, but it also translates into day-to-day meetings between people. His completion is possible on the micro-scale by becoming a godfather or a witness to Confirmation of a particular person. Moreover, obtaining Confirmation makes person legitimate for receiving the Holy Orders, being entrusted with the evangelizing mission within a community that entrusted the priest its faithful. A lot of monks and nuns go to different continents as missionaries in order to evangelize. The Confirmation is also a requirement before a religious marriage officiated by the Church.

The received gifts of the Holy Spirit are supposed to help young people at first on the mutual evangelization, especially when one of them is a non-believer, his or her faith is weak, or practices other religion. It also relates to an upcoming challenge of raising their offspring in faith.

ZBIGNIEW JANCZEWSKI

## Le sacrement de confirmation en tant qu'acte d'appeler les jeunes à l'évangélisation

### Résumé

La réception du baptême crée chez un fidèle l'obligation de professer la foi reçue du Créateur. Il s'agit ici avant tout de l'obligation comprise dans le sens passif, c'est-à-dire comme le fait de reconnaître sa foi et de vivre personnellement la foi. Pour ce qui est de la confirmation, les jeunes gens qui la reçoivent prennent l'engagement de propager la foi parmi d'autres personnes. Le don de l'Esprit-Saint, étant la conséquence de la confirmation, renforce ceux qui la reçoivent d'une manière exceptionnelle, particulière. Un tel renforcement particulier est nécessaire durant la réalisation de la mission évangélisatrice, par une union plus parfaite avec l'Église, par une implantation plus profonde. L'obligation chrétienne de propager la foi par l'intermédiaire de la parole et de l'action devient encore plus forte après la réception de la confirmation, on pourrait même dire que plus exigée par l'Église.

L'obligation analysée peut être réalisée non seulement à une grande échelle, c'est-à-dire par rapport à toutes les personnes rencontrées sur le chemin de notre vie. Sa réalisation est aussi possible en quelque sorte à une petite échelle, par la prise de la fonction de parrain ou de témoin quant au sacrement de confirmation à l'égard d'une personne concrète donnée. La réception de la confirmation permet de recevoir le sacrement de l'ordre, convoquant à la mission évangélisatrice dans une communauté de fidèles confiée au prêtre et de faire les vœux monastiques. Bien des religieux et des religieuses partent sur différents continents pour y — en tant que missionnaires — prêcher l'Évangile. Ce sacrement est aussi requis avant la conclusion du mariage. Les dons du Saint-Esprit reçus avec ce sacrement doivent aider en premier lieu les jeunes gens dans une évangélisation

mutuelle, en particulier quand l'un d'entre eux est non croyant, il se caractérise par une foi faible ou confesse une autre religion. Il s'agit également de l'appel à l'évangélisation de leur progéniture éventuelle.

**Mots clés :** confirmation, évangélisation, jeunes gens, conséquences de la confirmation

ZBIGNIEW JANCZEWSKI

## Il sacramento della Cresima come chiamata dei giovani all'evangelizzazione

### Sommario

Il ricevimento del battesimo crea nel fedele l'obbligo di professare la fede ricevuta dal Creatore. Si tratta soprattutto di un obbligo nel significato passivo ossia di riconoscere la fede e la vita personale nella fede. Nel caso della Cresima i ragazzi che la ricevono assumono l'obbligazione di predicare attivamente la fede alle altre persone. Il dono dello Spirito Santo, essendo l'effetto della Cresima, fortifica in modo straordinario, particolare coloro che la ricevono. Tale fortificazione particolare è necessaria durante lo svolgimento della missione evangelica, mediante un'unione più perfetta con la Chiesa, un innesto più profondo in essa. L'obbligo cristiano di diffondere la fede con le parole e le azioni dopo aver ricevuto la Cresima diventa ancora più rigoroso, si potrebbe addirittura dire, richiesto più fortemente dalla Chiesa.

L'obbligo menzionato può essere realizzato non solo su scala macroscopica ossia rispetto a tutte le persone incontrate sul cammino della propria vita. La sua realizzazione è anche possibile in un certo qual modo su scala microscopica, intraprendendo la funzione di padrino o di testimone della Cresima rispetto ad una data persona concreta. Il ricevimento della Cresima autorizza a ottenere il sacramento dell'ordine che chiama alla missione di evangelizzazione nella comunità di fedeli affidata al sacerdote e alla professione dei voti religiosi. Molti monaci e monache partono per diversi continenti per evangelizzare in quei luoghi come missionari. Il sacramento è richiesto anche prima di contrarre il matrimonio. I doni dello Spirito Santo in esso ricevuti devono aiutare prima i giovani nell'evangelizzazione reciproca, specialmente quando uno di loro non è credente, ha una fede debole o professa un'altra fede. Si tratta anche della sfida che si presenta, all'evangelizzazione della loro prole futura.

**Parole chiave:** Cresima, evangelizzazione, giovani, effetti della Cresima



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## Contemporary Youth and the Preparation for Priesthood

**Keywords:** youth, vocation, priesthood, formation, minor seminary, propaedeutic period

### Introduction

A discussion on contemporary youth and the preparation for priesthood can take various directions. The approach taken in the present contribution is determined by two things: the mission of the author as a canon lawyer and the orientation of the journal for which the article is written.

In any case, it is necessary to start from the theological and spiritual realities because it is by them — in the first place — that the life is formed, and the ecclesial practice and discipline must follow. Therefore, our first chapter is an attempt to summarize in a concise way most fundamental points concerning the nature of a vocation understood as a relationship.

The second chapter, related to Church documents on the formation for priesthood, is devoted to the various areas of formation (human, spiritual, intellectual and pastoral), inasmuch as these are necessary and suitable during the period before entering a priestly seminary. The third chapter is concerned with the places and milieux of formation of young people before they enter the priestly seminary; a discussion of the institutions specifically devoted to this preparation is accentuated.

## 1. Vocation as a relationship

### 1.1. Ongoing ambiguity in the situation of the youth with relation to a vocation

At present, just as it was the case in the past and will be in the future, the overall disposition of young people towards a spiritual vocation and vocation in general is quite ambiguous.

This fact is already stated by Pope St. John Paul II in the beginning of his post-synodal exhortation on the formation of priests in the present conditions *Pastores dabo vobis* (hereinafter: “PDV”)<sup>1</sup> as of 25th March, 1992 in Nos. 8 and 9 where he describes both the positive and the negative traits of young people’s life: a thirst for freedom; the recognition of the supreme value of the human person; a demand for authenticity and clarity; a search for justice; general openness to dialogue, on the one hand; but on the other hand, a consumerist lifestyle reflected, among other things, in a concept of sexuality; a distorted understanding of freedom, enforced by the overwhelming multitude of possibilities of choice; strong subjectivism of faith, and what is related to it, a partial and conditional participation in the life of the Church.<sup>2</sup>

Pope John Paul II offers in No. 10 the key to reading this ambiguous situation: evangelic discretion (*evangelica discretio*) based on trust in the love and power of Christ, the only Lord and Master, drawing light from the might of the Holy Spirit while always relying on the Father’s faithfulness to his own promises. This way of interpretation will be applied to what follows.

### 1.2. Main characteristic traits of a personal Christian vocation

The main characteristics of the vocation of a Christian are well covered in Christian literature. Here, we will start especially from the docu-

<sup>1</sup> JOHN PAUL II: *Post-Synodal Apostolic Exhortation Pastores dabo vobis to the Bishops, Clergy and Faithful on the Formation of Priests in the Circumstances of the Present Day* [25.03.1992], Nos. 8 and 9.

<sup>2</sup> Cf. PONTIFICAL WORK FOR ECCLESIASTICAL VOCATIONS: *New Vocations for a New Europe* [6.01.1998], No. 11.

ment *New vocations for new Europe* (further, “NVNE”), published in the early year 1998.

In the beginning, as a deep foundation of any specific vocation, there is a basic vocation: the vocation to being, issuing from the will and predilection of the triune Creator and to his image. It must be noted that even this fundamental vocation is not always readily recognized and accepted. The number of people, including young people, who find it difficult to accept the very vocation to being as a gratuitous gift of love, is considerable (NVNE Nos. 13a, 16a). The fundamental, though not very commonly heard human saying: “It is good that you are” is an unambiguous result of the “God saw that all he has made was very good” (Gn 1:31).

The fact that every human being is limited — because each of us is just an imperfect and incomplete image of the divine being — leads to the diversity of specific delimited vocations; vocations that should complete, not contradict, each other. To accept the fact that we are limited means to discover our *own* true richness; our eyes are directed not to our shortcomings when we compare ourselves with other people but to the gifts we have received for ourselves and for others (NVNE No. 13a). This view of a vocation is capable of transcending the narrow (and often rightly irritating) concentration on a vocation only within the Christian community, and even more so, only a spiritual vocation (NVNE No. 13c). On the contrary: it is in this wide perspective that the vocation to priesthood, as a spiritual vocation, can find its true place and mission that can be expressed in the unwieldy word: serviceability (NVNE No. 22a).<sup>3</sup>

Here we are touching the basic trait of every life and every vocation: its fundamental being-in-relation, which is born, develops and grows in an atmosphere of dialogue: the dialogue with God (the theological virtues) and with fellow human beings; a dialogue of mutual respect and self-giving. Thus we necessarily come back to the basic reality which is love as the source of life and a lifestyle.

It is not surprising that these fundamental and profound themes form the contents of the Papal messages to the World Days of Prayer for Vocations. Let us recall their titles since the pontificate of Pope Benedict XVI:<sup>4</sup>

- 2007 — Vocation in the mystery of the Church,
- 2008 — The vocation to the service of the Church as communion,
- 2009 — Faith in the divine initiative — the human response,
- 2010 — Witness Awakens Vocations,
- 2011 — Proposing Vocations in the Local Church,

<sup>3</sup> Cf. JOHN PAUL II: *Post-Synodal Apostolic Exhortation Vita consecrata*.

<sup>4</sup> Full reference to the Messages can be found in the bibliography.

- 2012 — Vocations, the Gift of the Love of God,
- 2013 — Vocations as a sign of hope founded in faith,
- 2014 — Vocations, Witness to the Truth,
- 2015 — Exodus, a fundamental experience of vocation,
- 2016 — The Church, Mother of Vocations.

## 2. Areas of Christian formation with a view of the vocation to priesthood

Formation concerns four basic areas: the human, spiritual, intellectual and “professional” area; the last one is, in the case of the formation for priesthood, realized as pastoral formation. This chapter is devoted to the various areas of formation in the time before entering the priestly seminary, with regard to the vocation to priesthood.

### 2.1. Human formation

In recent years, the most attention is clearly attributed to the human formation, also in the Church documents in which this formation is seen as something really necessary during the time of preparation for entry to a priestly seminary.

The human formation is remarkably discussed in the above mentioned Apostolic Exhortation *PDV* in which the pertinent passage is emblematically called *Human Formation, the Basis of All Priestly Formation* (Nos. 43 and 44). It is also treated in documents of some episcopal conferences, especially (in much detail) in the document of the Commission for Clergy of the Italian Bishops’ Conference *Linee comuni per la vita dei nostri seminari* from 1999, in its lengthy first chapter *L’esigenza di favorire nella persona le condizioni per una vera e fruttuosa formazione* (Nos. 9—22)<sup>5</sup>; also in a much shorter way in the document of the Czech Bishops’ Conference *National frame programme of the formation for priesthood*<sup>6</sup> from 2008, in its dense No. 2.1.

<sup>5</sup> CONFERENZA EPISCOPALE ITALIANA: *Linee comuni per la vita dei nostri seminari. Nota della Commissione Episcopale per il clero* (1999).

<sup>6</sup> ČESKÁ BISKUPSKÁ KONFERENCE: *Národní rámcový program kněžské formace, Ratio nationalis institutionis sacerdotalis* (28.01.2008).

The document of the Commission for Clergy of the Italian Bishops' Conference strongly underlines the positive aspects: an adequate human maturity as a necessary condition for the working of divine grace (No. 9); balance between subjectivity and objectivity (No. 10); true anthropology marking clearly the boundaries of human autonomy (No. 11); the necessary discernment of the signs of maturity and immaturity (No. 12); supporting true dimensions of human persons and offering help in the struggle for their development (No. 13). What follows is a list of the negative elements: the fact that achieving human maturity is not self-evident (No. 14); individual problems in both the personal and the spiritual levels (No. 15); a description of the serious pathologies dangerous for priestly service (No. 16); a description of less serious pathologies that have to be resolved before receiving the priestly service (No. 17). The first chapter is concluded by hinting at the ways of solving the described problems: personal traits giving hope for growth (No. 18); adequate pedagogy (No. 19); psychological dimension included in formation (No. 20) by rightly availing of professional psychological help (No. 21); directing of the human formation to a healthy spiritual life (No. 22).

General Church documents issued by the Congregation for Catholic Education do not hide the gravity of human deficiencies that have to be treated in the formation for priesthood. For practical reasons they specify some negative elements that deserve explicit attention:

- The question of sexual orientation and maturity: *Instruction Concerning the Criteria for the Discernment of Vocations with regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and to Holy Orders* from 2005;
- The question of right use of psychology and psychiatry in the formation: *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood* from 2008.

The first document emphasizes the necessary emotional maturity that must characterize a man who is to represent Christ — the Head of the Church; therefore it gives due attention to the question of homosexuality. A clear distinction is made between a homosexual tendency that is not sinful in itself and can be mastered, and homosexual acts which, of their nature, are immoderate and seriously sinful as a rule. However, even homosexual tendencies which are of a transient nature should be duly overcome with professional help at least three years before the receiving of the diaconate consecration.

The second document emphasizes personal maturity that can be hindered by reasons of lesser problems that can be solved during the seminarian formation but more serious problems requiring regular psychotherapy have to be resolved either before entering the seminary or during the time

of a break in the formation. These problems are clearly situated in the area of human formation, so neither a seminary superior nor a spiritual director, even when having the necessary specialization, should try to resolve them by providing professional help.

## 2.2. Spiritual formation

The spiritual formation is the second most important area of formation before the priestly seminary.

In this area, the role of acquiring two habits is very important: regular personal prayer, including meditation (the practice of *lectio divina* being a great help), and the regular reception of the sacraments, especially the often neglected sacrament of penitence, (PDV Nos. 46—48). The goal of this formation is clearly described in the Decree on Priestly Training of the Second Vatican Council *Optatam totius*:<sup>7</sup>

Spiritual formation... should be conducted in such a way that the students may learn to live in intimate and unceasing union with God the Father through his Son Jesus Christ, in the Holy Spirit.

Very important is also a formation to the understanding and the practice of celibacy as a positive experience strengthening one's union with Christ and spiritual fecundity, without belittling other vocations, especially to the married life (PDV No. 5).

Evidence shows that a great deal of those interested in priesthood is spiritually rooted, not in an ordinary parish but in groups and spiritual movements to which the candidates of priesthood remain strongly attached. In these cases it is necessary to enforce union with the local church and the diocesan bishop. This is a spiritual element with a fundamental theological meaning. It is also necessary to develop a spiritual understanding marked by true Catholicity (*Il periodo propedeutico, Riflessioni conclusive*, No. 5).

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<sup>7</sup> SECOND VATICAN COUNCIL: *Decree on Priestly Training Optatam totius* (28.10.1965), No. 8.

### 2.3. Intellectual formation

The goal of an intellectual formation of the candidates for priesthood before they come to the seminary is to ensure that as many of them as possible have the necessary preparation, both in terms of knowledge and study habits, for philosophical and theological study.

The reason for this is the varied level of the institutions offering secondary education with a leaving certificate: these institutions, for the most part, are not upper forms of grammar school but very often they are technical schools and training centres with a leaving certificate. Such schools do not provide the necessary basis for a third level study in the humanities.

Beside the study orientation there is a secondary aim — to form the cultural foundation for a study leading to priesthood.<sup>8</sup>

### 2.4. Pastoral formation

Pastoral formation is not the most important part of the preparation for the entering of a priestly seminary. Having some kind of a pastoral experience is, of course, good but not at all necessary. However, what *is* necessary is to deepen the pastoral aspect of the human and the spiritual parts of formation, in order to develop the ability of self-giving and to come to the attitude that can be called a “pastoral charity.”<sup>9</sup>

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<sup>8</sup> CONFERENZA EPISCOPALE ITALIANA: *Le vocazioni al ministero ordinato e alla vita consacrata nella comunità cristiana* (1999), *Orientamenti emersi dai lavori della XLVI Assemblea generale della CEI* (17.12.1999) (hereinafter: “VMOVC”), No. 28.

<sup>9</sup> Cf. VMOVC, No. 44; ČESKÁ BISKUPSKÁ KONFERENCE: *Národní rámcový program kněžské formace*, No. 2.4.

### 3. Milieux and places of formation of the youth to receive the vocation to priesthood

#### 3.1. General delimitation of the milieux and places of formation of young men

General delimitation of the milieux and places of formation of young men in receiving the vocation to priesthood leads us to notice that the variety of milieux and places is great and it coincides, to a great extent, with the milieux and places of the Christian life as such.<sup>10</sup>

It is not surprising (in light of the social teaching of the Church) that two natural milieux are mentioned: the family<sup>11</sup> and the ecclesial community, represented first by the parish with its priest, and secondly by the diocese with its presbytery.<sup>12</sup> Other important places are groups, communities and Church movements.<sup>13</sup>

Schools, especially the Catholic ones, can also play an important role,<sup>14</sup> as well as places of catechesis in general.<sup>15</sup>

To describe the importance of these places and milieux would be lengthy and for the most part very general. Thus, in the following sub-chapters we will focus on the special formation-training institutions orientated exclusively, or predominantly, to the preparation of future seminarians.

#### 3.2. Minor seminaries

It is the mission of minor seminaries to form the male youth in such a way that nurtures seeds of a spiritual vocation. Minor seminaries, therefore, are not aimed exclusively at the preparation of future seminarians.

The institution of minor seminaries is anchored in both Codices. The Code of Canon Law from the year 1983 (hereinafter: “CIC/1983”) speaks

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<sup>10</sup> This issue is discussed in detail in the above mentioned document VMOVC, quoted here often.

<sup>11</sup> VMOVC, No. 15.

<sup>12</sup> VMOVC, Nos. 14. 18.

<sup>13</sup> VMOVC, No. 20.

<sup>14</sup> VMOVC, No. 16.

<sup>15</sup> VMOVC, No. 28.



about it in Can. 234; the Code of Canons of Eastern Churches (further: "CCEO") treats it even more thoroughly in Can. 344. While the CIC/1983 explicitly points out education in the first place, that is, the religious education, the humanities and the natural sciences, the CCEO puts more emphasis on the formation by supporting family ties and peer contacts, healthy psychological development (especially emotional) and a spiritual guidance that protects freedom in the decision-making process regarding the entering of the way of priesthood. Both Codices stress that aspirants to priesthood should acquire the same level of education as is required for admittance to university studies in a given country.

The PDV apostolic exhortation treats minor seminaries in No. 63, in relation to the general pastoral care of vocations in the diocese. The definition of the goal of minor seminaries as it is formulated in the Conciliar decree *Optatam totius* in No. 3, is repeated in it:

Under the fatherly direction of the superiors, and with the proper cooperation of the parents, their daily routine should be in accord with the age, the character and the stage of development of adolescence and fully adapted to the norms of a healthy psychology. Nor should the fitting opportunity be lacking for social and cultural contacts and for contact with one's own family.

In European countries, most minor seminaries ceased to exist. In the Czech Republic there is not a single minor seminary; in Poland, a minor seminary exists only in Częstochowa as an independent institution<sup>16</sup>; as a boarding school, it forms part of the General Catholic Lyceum of St. Stanislaus Kostka in Sikorz by Płock.<sup>17</sup>

### 3.3. Other institutions preparing for the entry to a priestly seminary

The need of some kind of institutions preparing for the entry to a priestly seminary is emphasized explicitly in the PDV exhortation, in

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<sup>16</sup> NIŻSZE SEMINARIUM DUCHOWNE W CZĘSTOCHOWIE: *Historia Niższego Seminarium Duchownego w Częstochowie*, available online at: [www.nsd.niedziela.pl/historia.php](http://www.nsd.niedziela.pl/historia.php) (date of access 19.11.2016).

<sup>17</sup> KATOLICKIE LICEUM OGÓLNOKSZTAŁCĄCE: *Niższe Seminarium Duchowne*, available online at: <http://www.liceumkostka.pl/index.php/nizsze-seminarium-duchowne> (date of access 19.11.2016).

Nos. 62 and 64. The CIC/1983 mentions them together with the minor seminaries in Can. 234 § 1; the CCEO, in Can. 344 § 5, but only with regard to the older candidates for priesthood.

The PDV No. 62 begins by stating that in the present times, most aspirants to priesthood no longer pass through minor seminaries, and so the necessary preparation has to be provided otherwise. The synod of bishops asked in its proposition No. 19 that the experience gained so far in various countries be summarized and the results made accessible. The proposal is quoted literally in PDV towards the end of No. 62:

The synod asks that the Congregation for Catholic Education gather all the information on experiments of such initial formation that have been done or are being done. At a suitable time, the congregation is requested to communicate its findings on this matter to the episcopal conferences.

The Congregation for Catholic Education sent out a questionnaire, in 1992, to all the Papal Nuncios, asking them, in collaboration with the episcopal conferences, to provide the necessary data. These were subsequently summarized and sent to all episcopal conferences in the form of a letter bearing the abbreviated title: *Il periodo propedeutico*.<sup>18</sup>

This document in its first part provides a complex summary of the practical ways of going through the propaedeutic phase in various countries. In its second part it proposes a typology of ways of realization of this period, outlining three basic forms:

1. An autonomous propaedeutic period in an independent training institution;
2. A propaedeutic period integrated with a minor or a major seminary;
3. A propaedeutic period integrated within a programme of vocational pastoral care, usually realized by way of special educational-training courses in the form of a daily or combined study.

The third part of the document summarizes the information acquired and formulates some open questions for the future. First, it states that the propaedeutic period should be aimed at an integral preparation; therefore, it should include, apart from the human formation, also the intellectual and spiritual areas of formation (Introduction to Part 3).<sup>19</sup> Inserting the

<sup>18</sup> CONGREGAZIONE PER L'EDUCAZIONE CATTOLICA (DEI SEMINARI E DEGLI ISTITUTI DI STUDI): *Documento informativo Il periodo propedeutico* (10.05.1998). Only the Italian and Portuguese versions are available at the website of the Apostolic See, cf. [http://www.vatican.va/roman\\_curia/congregations/ccatheduc/index.htm](http://www.vatican.va/roman_curia/congregations/ccatheduc/index.htm) (date of access: 20.11.2016).

<sup>19</sup> It is not unusual that the specific aim of an institution varies with the passage of time. For example, in the Czech Republic, a yearly preparatory course entitled the *Theological Convict* was started in 1990; it was aimed specifically at an intellectual formation, with the goal of compensating for the very diversified educational preparation of those

specific form of a propaedeutic period in the national plan of formation for priesthood is appropriate (No. 3). Continual emphasis is put on the building of mutual relations between the aspirants and the formators, and among the aspirants themselves. These relationships are to support the greatly needed integration into the life of the diocese and with its presbytery (No. 5).

The main goal, however, remains to be a formation to a specific life-style corresponding to the mission of a priest; the life-style differs remarkably from the general life-style of the youth as a result of an immense rupture between the generally accepted culture and the gospel (No. 8).

## Conclusion

Although this article is aimed at the area of the Canon Law, and thus rather on the external organization and the necessary or suitable institutions, it has to be emphasized that the most important thing is always human collaboration with the divine vocation characterized by a gift and a relationship; the starting points being: the basic vocation to life which is a gift of God's love; and the fact of our limitedness, leading to the variety of vocations and missions, both in the general sense and within the community of the Church.

The situation of the young with regard to priesthood was, is and will be ambivalent; this is reinforced in the present by the great rupture between the generally accepted culture and the gospel. This situation clearly calls for the achieving of a considerably high level of human maturity as a condition for a fruitful undergoing of the preparation for priesthood in major seminaries. This is the reason why the preparation of the young for entering into a priestly seminary is predominantly aimed at the human and spiritual parts of the formation, less to the intellectual part of it, and less still to the pastoral part.

The places and milieux of the formation are first of all the natural communities: the family and the community of the Church, with the help of the Catholic school. Nevertheless, a need for specifically aimed

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entering the Convict, in order to prepare them for their study at the Faculty of Theology. In the latter half of the 1990s, this orientation was changed to a predominantly biblical and spiritual formation. The present concept, formed since the year 2002, combines the elements of both approaches, so the Convict can now be compared to novitiates in religious institutes and societies of apostolic life. Cf. *TEOLOGICKÝ KONVIKT OLOMOUC: Historie*, available online at: <http://konvikt.signaly.cz/teologicky-konvikt/historie/> (19.11.2016).

and institutionalized preparatory formation is perceived; this formation is provided partly by minor seminaries, to a lesser degree, and much more frequently by way of a propaedeutic period. This period has three basic forms: 1. an autonomous propaedeutic period in an independent training institution; 2. a propaedeutic period integrated with a minor or a major seminary; 3. a propaedeutic period integrated within a programme of vocational pastoral care, usually realized by way of special educational-training courses in the form of a daily or combined study.

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DAMIÁN NĚMEC

## Contemporary Youth and the Preparation for Priesthood

### Summary

Starting from a short analysis of the foundation of a vocation, particularly of the vocation to priesthood, the Author presents four areas of formation of young people before entering the priestly seminary: the human, spiritual, intellectual and pastoral areas of formation; and the measure of the realization of the mentioned areas. Subsequently he presents the places and milieux of this formation, especially the minor seminaries and some other ways of realization of the propaedeutic period. Finally he returns to the very essence of the priestly vocation: the building of a specific way of life.

DAMIÁN NĚMEC

## Les jeunes gens d'aujourd'hui et la préparation à la vie sacerdotale

### Résumé

En sortant d'une brève analyse des fondements de la vocation de l'homme, notamment de la vocation sacerdotale, l'auteur de l'article présente quatre domaines de la formation des jeunes gens avant d'entrer au séminaire: formation humaine, spirituelle, intellectuelle et pastorale, ainsi que la mesure de la réalisation des domaines de formation mentionnés. Ensuite, il présente les villes et les milieux de cette formation, en particulier un petit séminaire et d'autres manières de réaliser la période propédeutique, en revenant à l'essentiel même de la vocation sacerdotale: la construction d'un mode de vie spécifique.

**Mots clés:** prêtrise, vocation, jeunes gens, formation spirituelle

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DAMIÁN NĚMEC

## I giovani contemporanei e la preparazione alla vita sacerdotale

### Sommario

Partendo da una breve analisi dei fondamenti della vocazione dell'uomo, in particolare della vocazione sacerdotale, l'autore dell'articolo presenta quattro settori della formazione dei giovani prima dell'entrata nel seminario spirituale maggiore: la formazione umana, spirituale, intellettuale e pastorale e la misura della realizzazione dei settori citati della formazione. In seguito presenta le città e gli ambienti di tale formazione, in particolare il piccolo seminario ed altri modi di realizzazione del periodo propedeutico, tornando all'essenza stessa della vocazione sacerdotale: la costruzione di un modo di vita specifico.

**Parole chiave:** sacerdozio, vocazione, giovani, formazione spirituale





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## Modern Youth vs. Preparation for Family Life. Legal Issues

Key words: family, family life, family law, family protection, youth

### Introduction

The term “young generation” or “youth” describes a dynamic social structure. In various places and at different times, these notions were variously understood. Thus, who do we mean today when we use the term “youth”?

In *Encyclopaedia of Sociology*, the entry “youth” offers an explanation that “what determines if one belongs to the youth group is the biological criterion of age.”<sup>1</sup> However, in social sciences, there are many different concepts regarding this matter.<sup>2</sup> According to, for example, the classic phenomenological concept by H. Schelski, the term “youth” describes the transition state between the opposing poles of childhood and adulthood,<sup>3</sup> according to F. Znaniecki, “youth” constitutes “a community of individuals who are just assuming the social roles of adults,”<sup>4</sup> and according to

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<sup>1</sup> K. KOSEŁA: „Młodzież” (“Youth”). In: A. KOJDER (ed.): *Encyklopedia Socjologii* (*Encyclopaedia of Sociology*), Vol. 2. Warszawa 1999, p. 252.

<sup>2</sup> For more details, see: W. PAWLICZUK: „Definicje terminu »młodzież« — przegląd koncepcji” (“Definitions of the Term »Youth« — Review”). *Postępy Nauk Medycznych* 6 (2006), pp. 311—315.

<sup>3</sup> *Ibidem*, p. 311.

<sup>4</sup> F. ZNANIECKI: *Socjologia wychowania* (*Sociology of Education*). Warszawa 1973, pp. 20—27.

K. Koseła, entering the period of adolescence is determined by puberty, while a sign of leaving this phase behind is the moment of reaching social maturity.”<sup>5</sup> Traditionally, this term refers to people who have not yet attained independence in life,<sup>6</sup> whereas the criterion that determines entering the stage of life independence is either taking up a professional work or establishing a family.<sup>7</sup>

Nowadays, preparation for family life takes place on many levels. We are accustomed to thinking of this phenomenon in the context of pedagogy (a school subject which translates from Polish as Family Life Education<sup>8</sup>), religion,<sup>9</sup> or — as indicated above — society. It is worth noting, however, that this preparation also takes place — indirectly — in the legal context. After all, legal awareness plays an important part in shaping social attitudes. Without going into details of the whole complexity of issues concerning the role of law in society, it is enough to say that the

<sup>5</sup> K. KOSEŁA: „Młodzież” (“Youth”), p. 253.

<sup>6</sup> K. SZAFRANIEC: “Młodość jako wyłaniający się problem i nowa polityczna siła” (“Youth as an Emerging Problem and a New Political Force”). *Nauka* 1 (2012), p. 103. The authoress notes that today, unlike 20 years ago, the criteria separating adults from adolescents are not clear. Occurring in contemporary societies, the phenomena of pluralism and hybridization in age categories have their roots in the social, economic, and cultural realities alike, and make it very difficult to determine the point at which we cease to belong to the “youth” category and become “adults.” “Evidently, in modern societies the former social, psychological, and cultural characteristics, which have hitherto been assigned to particular phases of life, fall apart. First, youth and adulthood get detached from age categories, then from social roles and respective lifestyles, and finally, from their psychological and developmental characteristics” (ibidem, p. 103).

<sup>7</sup> Young people become independent and leave their family homes at an ever later age. This thesis has been recorded in almost all reports describing the process of growing up of today’s youth. Poland is in the top ten EU countries, where adult children do not leave the family home for a long time (women at the age of 28.5 and men — 30). The status of “family home dwellers” (i.e. the so-called “basement dwellers” or “parasite singles” — translator’s comment) applies to almost half of the population aged 18—34. (K. SZAFRANIEC: *Młodzi (2011 The Young)*. Prime Minister’s Office, Warszawa 2011, pp. 184—185).

<sup>8</sup> This is a school subject taught in Polish primary school, junior high, and high school, the aim of which is to prepare young people for life in the family. It has the status of an extra-curricular subject and is taught to students from the fifth grade of primary school upwards. (It constitutes the equivalent of British PHSE, i.e. Personal Health and Social Education, and Life Skills in American schools — translator’s comment). (For more details, see: M. PYTER, A. BALICKI: *Leksykon prawa oświatowego i prawa o szkolnictwie wyższym. 100 podstawowych pojęć (Lexicon of Law on Education and Higher Education. 100 Basic Concepts)*. Warszawa 2014, p. 324).

<sup>9</sup> For more details, see the assumptions of the Apostolic Exhortation of Pope JOHN PAUL II: *Familiaris consortio* (FC 65—67); POLISH BISHOPS’ COMMISSION FOR CATHOLIC EDUCATION: *Przygotowanie do życia w małżeństwie i rodzinie (Preparation for Marriage and Family Life)*. Sandomierz 1997.

social control exercised through legal norms performs (to put it in a nutshell) three basic functions: it protects the sphere of human freedom, it serves as a means of achieving specific objectives, and — what is especially worth mentioning in the context of the titular issues — it sets binding standards of conduct (indicating the universal character of values generally considered fundamental<sup>10</sup>). The purpose of the law is to shape community members according to a generally accepted standard of conformist behaviour through internalization of forms and attitudes in the process of socialization. In this process, a significant role is played by institutions (such as e.g. courts), which are seen not only as entities entitled to impose sanctions but also as bearers of values which are distributed in society.<sup>11</sup>

What then is the preparation for life in the family at the normative level, that is, for life in what kind of family does the law prepare one nowadays? What is the present-day family in the legal sense and is the sense analogous in both the European and Polish judicial practice? Are the indicated areas of preparation for family life in the current social reality “congruent” with each other?

## 1. Family in the ECHR judicial practice: Trends in interpretation

EU rules generally do not regulate questions of substantive family law and therefore, they do not contain legal acts providing for equality of marriages or permanent, registered relationships of same-sex persons. Regulations in this area remain the responsibility of the Member States legislation.<sup>12</sup> There is no doubt, however, that the judicial practice plays

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<sup>10</sup> T. BURDZIK: „Prawo jako narzędzie kontroli społecznej” (“Law As a Tool of Social Control”), (in:) E. MOCZUL, B. SAGAN (eds.): *III Forum Socjologów Prawa „Prawo i ład społeczny”* (3rd Forum of Sociologists of Law “Law and Social Order”). Rzeszów 2010, pp. 68—69.

<sup>11</sup> *Ibidem*, p.63.

<sup>12</sup> As a side note, it should be mentioned that many concerns in this respect were brought to life by Regulation (EU) 1259/2010 of 20th December 2010, implementing enhanced cooperation in the area of the law applicable to divorce and legal separation (OJ EU L 343 of 29 Dec. 2010, p. 10); the concerns related to whether or not it would lead to sanctioning same-sex marriages — through the back door, so to speak — by means of creating a legal framework to dissolve such marriages in countries where they are not legally recognized. For instance, same-sex persons, who have entered into marriage in a country allowing such unions (e.g. the Netherlands), signed an agreement in which they selected the Polish law as the law applicable in case of divorce or separation (because

a significant role in the interpretation of family law concepts and principles.

The position of the European Court of Human Rights in terms of understanding the concept of “family” and “family life” — articulated mainly in the context of Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms<sup>13</sup> — is not uniform. Over the years, the Court’s views on what is family and family life have been undergoing significant changes — these views have been evolving over time along with the evolution of European societies’ habits and attitudes. These changes, mostly in the understanding of the factors that constitute family life are visible both in terms of gender of people establishing marriage/family and in terms of parenting.

Referring to the first of those aspects, it should be noted that in the initial period of its activity, the Court not only would not protect same-sex relationships in the manner it owed to families, but it also advocated criminalization of homosexual relationships (judgment of 17th December 1955 and 7th July 1977, complaints No. 104/55 and 7215/75).<sup>14</sup>

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they both have their place of residence in Poland). In such a situation, there may appear a concern that the Polish courts will have to settle the divorce pursuant to the provisions of the Polish law while this same law does not recognize marriages between persons of one sex. However, as M. Rynkowski rightly explained, this Regulation takes into account such situations and in Art. 13 provides that none of its provisions shall oblige the courts of a Member State whose law does not provide for divorce or does not deem the marriage in question valid for the purposes of divorce proceedings to pronounce a divorce by virtue of the application of this Regulation. Moreover, motive 26 provides that if the law of the participating Member State whose court is seized does not recognize such marriages as valid for the purposes of divorce proceedings, this should be interpreted to mean, *inter alia*, that marriage does not exist under the law of that Member State. In such a case, the court should not be obliged to pronounce a divorce by virtue of this Regulation. (M. RYNKOWSKI: *Sądy wyznaniowe we współczesnym europejskim porządku prawnym (Religious Courts in Modern European Legal Order)*, Prace Naukowe Wydziału Prawa, Administracji i Ekonomii Uniwersytetu Wrocławskiego. Wrocław 2013, pp. 79—80).

<sup>13</sup> An international agreement concluded by the Member States of the Council of Europe in Rome on 4th November 1950, which came into force on 3rd September 1953. Poland signed the Convention on 26th November 1991, and ratified it on 19th January 1993. Art. 8 of the Convention provides that everyone has the right to respect for his private and family life, his home and his correspondence (section 1); there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others (section 2).

<sup>14</sup> G. PUPPINCK: “Wyrok w sprawie Vallianatos przeciwko Grecji w świetle przemian w sposobie pojmowania rodziny i »życia rodzinnego« w orzecznictwie ETPCz” (“Judgment on Vallianatos against Greece in the light of changes in the understanding of the

With time, the Court decided that this kind of relationship should admittedly be protected but “only” in the context of the protection of private life to finally conclude that homosexual relationships are protected not only within the scope of the private life but should be treated in terms of legitimate family life and covered with the protection owed to family life. In the P. B and J. S against Austria (judgment of 22nd July 2010, complaint No. 18984/02), the Court pointed out that since 2001, that is, since the verdict in the Mata Estevez case (complaint No. 56501/00), there has been a rapid evolution of attitudes towards same-sex couples in many Member States and a large number of countries have effected their legal recognition; thus, it would be artificial to maintain the view that the concept of “family” should not apply to same-sex couples and that they cannot benefit from the protection of family life within the meaning of Art. 8 of the Convention.<sup>15</sup> Since the judgment in the case Schalk and Kopf against Austria (judgment of 24th June 2010, complaint No. 30141/04) a stable joint cohabitation of the people forming a couple has constituted a circumstance sufficient for the establishment of family life.<sup>16</sup> The ECHR modified their views still further on the occasion of Valianatos and others against Greece case (judgment of 7th November 2013, complaint No. 29381/09 and 32684/09). In the justification of their position the Grand Chamber of the ECHR found that two grown men living separately should benefit from the protection granted to families if they maintain constant homosexual relations because the state should take into account the development of society, gradual changes in morality and in perception of marital status. In the Court’s view, in this context the circumstances and type of actually existing relations should be taken into account, including the fact that there is not just one way or one choice of the forms of family life and private life (§ 84).<sup>17</sup>

The views of the Court evolved in an equally significant fashion on the issue of having a child as a constitutive factor for the family. In the case of Johnston against Ireland (judgment of 18th December 1986, complaint No. 969/82), the Court noted that in the absence of marriage, it is the presence of a child that provides the constitutive factor for family life

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concept of family and ‘family life’ in the judicial practice of the ECHR,” translation: Maria Jackowska and Bartosz Soloch, <http://www.ordoiuris.pl/wyrok-w-sprawie-vallianatos-przeciwko-grecji-w-swietle-przemian-w-sposobie-pojmowania-rodziny-i-zycia-rodzin-nego-w-orzecznictwie-etpcz,3397,analiza-prawna.html>; (date of access: Feb. 22, 2016).

<sup>15</sup> M. A. NOWICKI: *Europejski Trybunał Praw Człowieka: Wybór Orzeczeń 2010 (The European Court of Human Rights: Selection of Decisions 2010)*. Warszawa 2011, pp. 177—178.

<sup>16</sup> G. PUPPNICK: „Wyrok...”, *ibidem*.

<sup>17</sup> *Ibidem*.

and extramarital couples without children generally cannot apply for the protection analogous to the protection granted to families (similarly in the case of *Elsholz against Germany*, judgment of 13th July 2000, complaint No. 25735/94).<sup>18</sup> However, since the time of the aforementioned *Schalk and Kopf against Austria* judgment, neither marriage nor the presence of a child is necessary for granting the protection for family life. It should be emphasized that in the *Serife Yigit against Turkey* (judgment of 2nd November 2010, complaint No. 3976/05), the Court ruled that a polygamous family is also to be treated as family life.

## 2. Notion of family in Polish judicature

Pursuant to Art. 18 of the Constitution of the Republic of Poland of 2nd April 1997<sup>19</sup> marriage as a relationship of a man and a woman, family, maternity and parenthood are under the protection and care of the Republic of Poland. However, in Polish law there is no legal definition of the notion of “family.”<sup>20</sup> Despite the fact that the term appears in various normative acts, it is not defined in most of them.<sup>21</sup> It is defined precisely only in some of them, whereas the notion is usually given the meaning corresponding to the purposes of the act, where the term was used.<sup>22</sup> What is important here is that the legislator in the used terminology is not consistent and, next to the notion “family,” they frequently use also

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<sup>18</sup> *Ibidem*.

<sup>19</sup> J.o.L. 1997, No. 78, it. 483.

<sup>20</sup> More on the notion of family see P. TELUSIEWICZ: *Ancillary role of the notion “familiar” in the provisions of the Polish law*, Lublin 2013.

<sup>21</sup> Such notion of the notion of family is not included inter alia in the Law of 19th August 1994 on the protection of mental health (J.o.L. of 2011 No. 231, it. 1375 as amended), Law of 29th July 2005 on counteracting drug addiction (J.o.L. of 2012 it. 124 as amended) or Law of 17th November 1964 the Code of Civil Proceedings (J.o.L. of 2014 it. 101 as amended).

<sup>22</sup> For example in Art. 3 it. 16 of the Law of 28th November 2003 on family benefits (J.o.L. of 2013 it. 1456 as amended) it was indicated that a **family** means adequately the following members of family: spouses, children’s parents, actual child’s guardian and children being maintained aged up to 25 years old and a child who is 25 and older and having a certificate on a significant degree of disability or benefit for the guardian, whereas members of the family are not a child under the legal guardian custody, a child in a marital relationship and an adult child having one’s own child.

the notion of “the closest family,”<sup>23</sup> “members of the family,”<sup>24</sup> or “the closest members of the family.”<sup>25</sup>

The majority of legal acts count among the family spouses, their common children, children of the second spouse, adopted children, children to be brought up in a foster family, children under (legal) custody, and sometimes even foreign children to be brought up and supported if parents are dead or cannot take care of them or were deprived of or limited as to their parental authority.

However, the way of understanding people who create a family is subject to apparent evolution leading sometimes to almost paradoxical conclusions. As an example one should indicate that in Art. 2 item 1 of the Act of 29th July 2005 on counteracting violence in family,<sup>26</sup> it was indicated that whenever spoken of “a member of family” one should understand the closest person under Art. 115 § 11 of the Criminal Code<sup>27</sup> as well as another jointly cohabiting or managing person. Taking a look at the last definition, that is, “a jointly cohabiting or managing person,” it is hard not to notice that the wording is highly imprecise. First of all, instead of the conjunction “and” using the word “or” means that the members of family will also include those persons who only live with one another (not running joint household) or only run joint household and do not live together. Such a provision leads to a grotesque conclusion that under this regulation family members can

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<sup>23</sup> For example in Art. 2 it. 2 of the Law of 9th November 2000 on repatriation (J.o.L. of 2004 No. 53, it. 532 as amended), it was indicated that **the closest family** of a repatriant means the repatriate’s spouse and a minor under parental authority of at least of one of the spouses.

<sup>24</sup> For example in Art. 77 it. 1 of the Act of 6th April 1990 on the Police (J.o.L. of 2011, No. 287, it. 1687, as amended), it was indicated that the spouse and children are considered to be **family members** of a policeman entitled to benefits, while e.g. in Art. 10 it. 1a of the Act of 20th December 1990 on Social Insurance for Farmers (J.o.L. of 2013, it. 1403 as amended), the persons indicated as **family members** are as follows: the spouse; own and adopted children, stepchildren, grandchildren, siblings meeting the conditions required to obtain a survivor’s pension at the date of death of the insured person; parents, second degree straight relatives, stepmother, stepfather, if on the date of death of the insured person they ran a joint household with him or her or if the insured person contributed significantly to their upkeep or if the right to alimony on his or her part was determined by court judgment or court settlement.

<sup>25</sup> According to Art. 446 § 4 of the Civil Code Act of 23 April 2016 (J.o.L. of 2016, it. 380; hereinafter referred to as the Civil Code): “the court may also grant **the closest family members** of the deceased the appropriate amount by way of financial compensation for the non-material damage suffered.”

<sup>26</sup> J.o.L. 2015, it. 1390.

<sup>27</sup> Law of 6th June 1997 the Criminal Code (J.o.L. 1997, No. 88, it. 553 as amended); further as the Criminal Code.

be a group of students living together in a rented flat or those who dine against payment by a given family.<sup>28</sup>

However, irrespectively of the lapses, which are difficult to be taken as a conscious action of the legislator, one should record that the main — and already fully purposeful — change in the discussed issue takes place with reference to the notion of “the closest persons” and in particular “persons remaining in cohabitation.”

Pursuant to Art. 115 § 11 of the Criminal Code, the closest person is a spouse, ascendant, descendant, siblings, relative in the same line or degree, person remaining in an adoptive relationship or his/her spouse as well as a person remaining in cohabitation.<sup>29</sup>

On the grounds of the Criminal Code of 1969<sup>30</sup> and the Code of Criminal Proceedings of 1969,<sup>31</sup> judicature understood under the notion of “joint cohabitation” was a relationship of persons of different sex deprived of the formal noose featuring the existence of a mental, physical and economic bond.<sup>32</sup> This interpretation stream also equalled the scope of relations between the spouses and the persons remaining in joint cohabitation indicating clearly that the term refers exclusively to relations

<sup>28</sup> Law of 6th June 1997 the Criminal Code (J.o.L. 1997, No. 88, it. 553 as amended); further as the Criminal Code.

<sup>29</sup> One should record that the term “joint cohabitation” appears not only in the widely understood criminal law. It also appears in the Family and Guardianship Code (Articles: 16, 23, 28 § 1 and § 2, 29, 611) and also in other laws (e.g. Art. 691 § 1 of the Civil Code, Art. 2, it. 5 of the Law of 15th December 2000 on housing cooperatives — i.e. J.o.L. 2013, it. 1222 as amended; Art. 32a § 7 it. 1 of the Law of 27th July 2001 — Law on the system of common courts — i.e. J.o.L. 2015, it. 133 as amended, Art. 71h § 1 it. 3 of the Law of 14th February 1991 — Law on the institution of the notary public — i.e. J.o.L. 2014, it. 164 as amended). The legislator contained the legal definition of the term in none of the acts.

<sup>30</sup> Law of 19th April 1969, the Criminal Code (J.o.L. of 1969, No. 13, it. 98, as amended)

<sup>31</sup> Law of 19th April 1969, the Code of Criminal Procedure (J.o.L. of 1969, No. 13, it. 96, as amended).

<sup>32</sup> See among others: Supreme Court judgments of: 5th September 1973, IV KR 197/73, Lex No. 63773; 15th October 1975, V KR 93/75, Lex No. 63538; 12th November 1975, V KR 203/75, *Judgements of Polish Courts* 10 (1976), it. 187; 13th August 1987, II CoR 187/87, *Case law of the Supreme Court, Criminal and Military Chambers* 1(1988), it. 11; 31st March 1988, I CoR 50/88, *Case law of the Supreme Court, Criminal and Military Chambers* 9—10 (1988), it. 71; 9th November 1990, WR 203/90, *Judgements of Polish Courts* 9 (1991), it. 205; *Judgments of the Court of Appeals*: in Kraków of 11th December 1997, II AKa 226/97, *The Cracow Court Notebooks* 2(1998), it. 26; in Lublin of 30th December 1997, II AKa 51/97, *Apelacja Lubelska (Lublin Appeal)* 1(1998), it. 7; in Warsaw of 5th December 1995, II AKr 459/95, *Judgements of the Court of Appeal* 4(1996), it. 15.



between a woman and a man. In the judgement of 31st March 1988,<sup>33</sup> the Supreme Court unequivocally decided that “the provisions of the Criminal Code extend the term of the closest persons to persons actually remaining in joint cohabitation, that is, in the so-called concubinage. In this interpretation concubinage is understood as coexistence analogous to marital coexistence with the only difference that it is deprived of the legal noose. It means the existence of home featuring spiritual, physical and economic bonds that tie a man and a woman. This way of interpretation was also recorded in the decisions of the Supreme Court and common courts also on the basis of the Criminal Code and the Code of Criminal Proceedings effective contemporarily.<sup>34</sup>

In recent years in the decisions of the Supreme Court there appeared also other opinions. In the judgement of 21st March 2013,<sup>35</sup> the Supreme Court expressed the opinion that joint cohabitation may also refer to persons of the same sex, whereas — as emphasized — in order to assume the existence of “joint cohabitation” the existence of physical bond is not necessary, but only running joint household and the existence of the defined mental bond. Whereas in the order of 4th March 2015,<sup>36</sup> while analysing the mentioned term the Supreme Court decided that it is necessary to treat individually each case, although an intermediate solution should be assumed, that is, a solution that “does not limit the notion of joint cohabitation to regularly functioning marriage or concubinage or to similar living together of persons of the same sex, but also does not assume that joint cohabitation takes place always when joint living is accompanied by strong, positive emotional bond.” Further in the order it was stipulated that just the existence of the strong and positive emotional bonds allows to determine the existence of “particularly close personal relationship,” which in turn gives grounds to apply for exemption from the duty to testify (Art. 185 of the Code of Criminal Proceedings), and which must have a different meaning than “joint cohabitation,” which classifies a person remaining in such a relation to the party in a court

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<sup>33</sup> I KR 50/88, *Case Law of the Supreme Court, Criminal and Military Chambers* 9—10 (1988), it. 71.

<sup>34</sup> See the judgement of the Supreme Court of 2nd March 2015, IV KO 1/15, *The Bulletin of the Criminal Law* 3(2015), pp. 59—63, the decisions of the Supreme Court of: 4th February 2010, V KK 296/09, *Decisions of the Supreme Court Criminal and Military Chamber* 6 (2010), it. 51; 7th July 2004, II KK 176/04, Lex No. 121668; 27th May 2003, IV KK 63/03, Lex No. 80281 and the judgements of the Court of Appeal: in Szczecin 21st December 2006, II Aka 157/06, Lex No. 283401; in Katowice of 15th March 2007, II Aka 24/07, *The Cracow Court Notebooks* 7—8 (2007, p. 109; in Cracow of 27th June 2002, II Aka 135/02, *The Cracow Court Notebooks* 7—8 (2002), p. 52.

<sup>35</sup> III KK 268/12, Lex No. 1311768.

<sup>36</sup> IV KO 98/14, OSNKW 2015, issue 8, item 67.

proceeding as “the closest person.” The Supreme Court in this matter decided that “the unmarried persons remain in joint cohabitation, apart from obvious assumption resulting from the institution of marriage, if they are bound by an emotional, physical and economic bond who due to joint long-lasting living and assumption of a particular mode of life became related identically as the closest family members as mentioned in Art. 115 § 11 of the Criminal Code, for example relations that occur between parents and children or between siblings.”

The first of the presented interpretative streams, that is, the one that understands joint cohabitation as the existence of bonds and relationships like in a marriage without a formal noose, that is, mental, physical bond, economic community and relationship durability, found strong support in the doctrine of law and legal process. However there also occurred other positions in literature,<sup>37</sup> whereas the discrepancies did not refer only to the matter of sex, but also comprised the nature of interpersonal relationships, even when assuming different sex.<sup>38</sup>

The above indicated interpretative doubts were solved by the Supreme Court in the resolution of 25th February 2016. In the ruling the seven-person panel of judges, the Supreme Court decided that a person living in the same-sex relationship can deny to testify if his/her partner is accused. The difference of sex of persons remaining in the relation of joint cohabitation is not a necessary condition in the understanding of Art. 115 § 11 of the Criminal Code. According to the Supreme Court “a person remaining in joint cohabitation” means a person who remains in such factual relation with another person, where there exist simultaneously spiritual

<sup>37</sup> More see M. KALITOWSKI, Z. SIENKIEWICZ, J. SZUMSKI, L. TYSZKIEWICZ, A. WĄSEK: *The Criminal Code. Commentary*, vol. 2. Gdańsk 1999, p. 393; R. KRAJEWSKI: “The closest person in the criminal law”, *The Court Review* 3(2009), p. 111, P. DANILUK: “Joint cohabitation as a criminal notion”, *The Procurator’s Office and the Law* 6(2015), pp. 10—11; J. HAŃDUK-HAWRYLAK, S. SZAŁUCHA: “Selected issues of the right to deny to testify”, (in:) P. HOFMAŃSKI (ed.) *The nodal problems of the criminal process*. Warsaw 2012, pp. 1004—1005; A. ZOLL (ed.): *The Criminal Code. General Part. Vol. 1. Commentary to Art. 1—116 of the Criminal Code*. Warsaw 2012, pp. 1393—1194, J. GIEZEK (ed.): *The Criminal Code. General Part. Vol. 1. Commentary*. Warsaw 2012. pp. 704—705, P. DANILUK: „Joint cohabitation as a criminal notion”, *The Procurator’s Office and the Law* 6, pp. 7—10 and A. SIOSTRZONEK-SERGIEL: “Partners in homosexual relationships and »the closest persons« in the criminal law,” *The State and the Law* 4 (2011), pp. 73—74

<sup>38</sup> K. BUCHAŁA (ed.): *Commentary to the Criminal Code. General Commentary Section*, Warsaw 1994, p. 508; IDEM in: K. BUCHAŁA, A. ZOLL: *The Criminal Code. General Commentary Section*. Warsaw 1998, p. 634, or only permanent sexual life (J. GAJEK: “On the notion of »actual joined cohabitation« in criminal law,” *Palestra* 1972, No. 3, p. 46), or psychological and economic bond is sufficient (A. SZLĘZAK: “Glosa do wyroku SN [Glosa to the Judgement of the Supreme Court] of 31st March 1988r, No. I KR 50/88, *Judgements of Polish Courts and Arbitration Commissions* 4(1989), pp. 205—207.

(emotional), physical and economical (joint household) bonds. Simultaneously, if the lack of a particular type of bond is objectively justified, then it does not anyhow change the nature of the relation. The result of this assumption is a conclusion that permanency of the relationship is not at all necessary only if it is “objectively justified.”

## Conclusion

Attempting to answer the question posed in the Introduction, it needs to be stated that a substantial change in the perception of the family has in recent years taken place in judicial decisions in both the European Court of Human Rights and Polish judicature. These changes have now made it difficult to define what a family is. Marriage, children or even cohabitation are no longer sufficient to characterize a family. The undermining of the traditional family — culturally and historically conditioned — led to an erosion of all objective and relevant criteria of what a family is.

Given this, it is impossible not to notice that there is a peculiar, clearly visible dissonance among the various forms of preparation for family life. If, in the light of currently obtaining legal arrangements, it is difficult to establish who and in what degree forms a family, the speaking about the preparation for family life loses its primary sense.

This situation can no doubt provoke anxiety especially given that — as rightly argued by Puppnick — the process of the legal dismantling of the family is not yet complete. What is significant here, “[...] this process is not an inevitable historical phenomenon, but a consequence of legal and political decisions, which gradually led the European Court to something entirely different from the initial intention of the authors of the Convention, who wanted to protect the family from the state rather than give the state the power to arbitrarily define it. The Court in Strasbourg not only traces the evolution of mentality; it also runs ahead of it and stimulates it, acting as a ‘court-guide’ for national courts and members of parliament.”<sup>39</sup>

Translated from Polish by Dominika PIECZKA

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<sup>39</sup> G. PUPPNICK: „Wyrok”, *ibidem*.

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## Modern Youth vs. Preparation for Family Life. Legal Issues

### Summary

Nowadays, preparation for family life is conducted on many different levels. We have come to think about this phenomenon in the context of teaching (school subject: family education), religion or society at large. It can be noticed, however, that this education — albeit indirectly — also takes place in the context of the law. Legal consciousness plays a fundamental role in the shaping of civic behaviour. Without going into the complex questions of the function of the law within society, it should suffice to say that social

control maintained by legal norms performs, to put things briefly, three essential functions: it protects the sphere of human freedom; it is a tool with which to achieve particular goals; and, what is especially noteworthy here, it defines the standards of behaviour which bind people (it points to the universal character of the values commonly held to be fundamental). The aim of the law is to shape the members of a community according to a commonly assumed model of conformist behaviours, which is achieved through the internalization of norms and in the process of socialization. Institutions (such as courts), perceived to be not only as entities entitled to impose sanctions but also as carriers of values distributed across the community, play a significant role here.

What does preparation for family life look like on the normative level? In other words, for life in what kind of family does the law prepare us nowadays? What is a contemporary family in legal terms and is it the same in both European and national judicature? Are the levels of preparation for family life in contemporary circumstances congruent?

Through its synthetic analysis of legal regulations, the object of which is the broadly understood family protection, and of the respective judicatures of the European Court of Human Rights and Polish courts, attempts to answer this question.

MAŁGORZATA TOMKIEWICZ

## Les jeunes gens d'aujourd'hui et la préparation à la vie familiale Des questions juridiques

### Résumé

La préparation contemporaine à la vie en famille se produit à beaucoup de niveaux. On s'est habitué à penser à ce phénomène dans le contexte pédagogique (sujet : la préparation à la vie en famille), religieux ou bien dans le contexte social mentionné plus haut. Il faut pourtant remarquer que cette préparation s'opère — indirectement — également dans le contexte juridique. La conscience juridique joue en effet un rôle fort significatif dans le processus de formation des attitudes sociales. Sans entrer dans la complexité tout entière concernant le rôle du droit dans la société, il suffit de dire que le contrôle social exercé par les normes juridiques réalise (brièvement parler) trois fonctions fondamentales : il protège les sphères des libertés humaines, il sert de moyen de réalisation des buts définis et — ce qui est particulièrement digne d'être souligné dans la question éponyme — il établit les standards de comportement unissant les gens (il indique le caractère universel des valeurs communément considérées comme essentielles). L'objectif du droit est de former les membres d'une collectivité selon le modèle de comportement conformiste généralement adopté, grâce à l'internalisation de formes et d'attitudes au cours du procédé de socialisation. Dans ce procédé jouent un rôle significatif les institutions (telles que par exemple les tribunaux) qui sont perçues non seulement comme des entités autorisées à infliger des sanctions, mais aussi comme des porteurs de valeurs qui sont distribués dans la société.

Comment se présente alors la préparation à la vie en famille au niveau normatif, c'est-à-dire à la vie dans quel type de famille prépare aujourd'hui le droit ? Comment la famille contemporaine est-elle perçue au sens juridique et si ce sens est analogique dans la judicature européenne et nationale ? Est-ce que les champs indiqués concernant la préparation à la vie en famille « joignent bien » dans les réalités sociales actuelles ?

L'article tente de trouver des réponses à ces questions sur la base d'une analyse synthétique des réglementations juridiques, dont l'objet est la protection de la famille en sens large du terme et des sentences judiciaires correspondantes de la Cour européenne des droits de l'homme ainsi que des tribunaux polonais.

**Mots clés :** famille, vie familiale, droit familial, protection de la famille, jeunes gens

MAŁGORZATA TOMKIEWICZ

## I giovani contemporanei e la preparazione alla vita familiare Questioni giuridiche

### Sommario

Nei tempi contemporanei la preparazione alla vita in famiglia ha luogo su molti piani. Ci siamo abituati a pensare a tale fenomeno nel contesto pedagogico (materia: educazione alla vita in famiglia), religioso o nel contesto sociale sopraindicato. Tuttavia occorre notare che la preparazione — indirettamente — ha luogo anche nel contesto giuridico. La consapevolezza giuridica svolge un ruolo non trascurabile nella formazione delle condotte sociali. Non entrando in tutta la complessità della problematica riguardante il ruolo del diritto nella società è sufficiente dire che il controllo sociale esercitato dalle norme giuridiche realizza (considerando la questione per sommi capi) tre funzioni essenziali: tutela la sfera delle libertà umane, serve come mezzo di realizzazione di obiettivi specifici e — cosa particolarmente degna di essere sottolineata nella problematica citata nel titolo — stabilisce standard di comportamento vincolanti per le persone (indica la natura universale dei valori riconosciuti comunemente come fondamentali). L'obiettivo del diritto è la formazione dei membri della collettività secondo un modello assunto universalmente di comportamento conformista, grazie all'internalizzazione delle forme e delle condotte nel corso del processo di socializzazione. In tale processo un ruolo significativo viene svolto dalle istituzioni (quali ad es. i tribunali) che sono percepite non solo come soggetti autorizzati ad applicare sanzioni, ma anche come portatrici di valori che sono distribuiti nella società.

Pertanto com'è la preparazione alla vita in famiglia a livello normativo ossia alla vita in quale famiglia il diritto prepara oggi? Cos'è la famiglia contemporanea nel significato giuridico e tale significato è analogo nella giurisdizione europea e nazionale? I piani indicati di preparazione alla vita in famiglia "combaciano" con la realtà sociale attuale?

L'articolo, mediante un'analisi sintetica delle norme giuridiche il cui oggetto è la tutela concepita in modo ampio della famiglia come pure dei relativi giudicati della Corte Europea dei Diritti dell'Uomo e dei tribunali polacchi, contiene un tentativo di rispondere a tali domande.

**Parole chiave:** famiglia, vita familiare, diritto di famiglia, tutela della famiglia, giovani



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## Young People at Present and Their Preparation for Religious Life

**Keywords:** young people, formation, pastoral care of vocations, consecrated life, religious institutes, pre-novitiate, novitiate, Order of Preachers, Dominican Brethren, Dominican Nuns

### Introduction

Life with God in the Church has been performed in various forms. Religious life is one of the forms of vocation from God, in which a religious person consecrates himself/herself to God and follows Christ in a radical way, particularly through publicly adopted commitments, religious professions of poverty, chastity and obedience. It is a specific kind of dedication that has its roots in baptismal consecration and is a superior expression of it. The testimony of consecrated persons consists in primarily the affirmation of the primacy of God in human life and in the complete dedication and commitment of a religious in the service of love.<sup>1</sup> I would like to pursue this subject within the confines of the Canon Law (which I would like to emphasize) and of the pastoral theology: the formation of contemporary youth for their religious vocations. This is primarily the formation of the personality leading to maturity for a lifetime decision enshrined in family education and in the consequential pastoral

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<sup>1</sup> Cf. JOHN PAUL II: *Post-synodal apostolic exhortation Vita consecrata on the Consecrated life and its mission in the Church and in the World* (25.03.1996) [hereafter: VC], n. 85.

care of vocations in the dioceses. A specific type is then the pastoral care of vocations in religious institutes. This will be exemplified with the example of initial formation in the Czech province of the Order of Preachers, in the case of the Dominican Brethren and of the Contemplative Nuns.

## 1. Vocation as a gift and a result of personal decisions (term, norms)

Each person seeks out a meaningful path in life. This involves, on the one hand, *the vocation* for a certain form of life, this being God's gift and, on the other hand, the adherence and response of a person to a particular way of vocation of God. There is nothing such as a worse or better vocation because all of them arise from a universal call to holiness<sup>2</sup> and there are only particular ways of implementation of this vocation. The very notion of vocation to consecrated life is extremely ambiguous as there are many forms of consecrated life: both individual (consecrated virgins, hermits, etc.) and social (religious institutes, secular institutes, etc.). The radicalism of the Gospel is then legally expressed with a religious profession (*professio*) of the evangelical counsels of chastity, poverty and obedience. Saint John Paul II said about them that these professions adopt the characteristics of Jesus himself, the unique and permanent form, visible in the world.<sup>3</sup>

Just as with preparation for marriage, preparation for another way of dedication of life is one of the fundamental tasks of the Church. CIC of 1917 included provisions for the admission of members and for postulates in can. 539—541.<sup>4</sup> Decree of the Second Vatican Council *Perfectae Caritatis* regulating formation states that the renewal of religious institutes primarily depends upon the institution of its members,<sup>5</sup> and therefore along

<sup>2</sup> Cf. VATICAN COUNCIL II: *Dogmatic Constitution on the Church Lumen gentium* [hereafter: LG], n. 40

<sup>3</sup> Cf. VC n. 1.

<sup>4</sup> The period of the postulate for laity candidates should take six months in the religious institutes with permanent profess, the religious institutes with temporal profess shall be governed upon the statutes. The postulate was to be held in the religious house, preferably in the novitiate house under the guidance of an experienced religious person. The candidates should wear simple clothes, different from the clothing of novices and before entering the novitiate they should pass at least an eight-day long exercise. The postulants of the monasteries of nuns are also bound by the duty of cloister seclusion.

<sup>5</sup> Cf. VATICAN COUNCIL II: *Decree on the Adaptation and Renewal of Religious Life Perfectae Caritatis* [28 X 1965] [hereafter: PC], n. 18.

with other changes required by the council, the formative plans of individual religious institutes have been gradually adapted as well. The basic principles for renewal of the formation were provided by the instruction of the Sacred Congregation for Religious and Secular Institutes *Renovationis causam* of 1969.<sup>6</sup> The prenovitiate formation was specifically emphasized in the instruction of the Congregation for Institutes of Consecrated Life and Associations of Apostolic life *Potissimum institutioni* of 1990,<sup>7</sup> in particular in nos. 42—44. The Code of Canon Law does not supply the area of initial formation in any details, it does not deal the time of postulate, but only states the conditions of valid and permitted admission into a religious institute in can. 641—661. Only can. 642 speaks of the essential qualities of the candidate (they should be of the required age, health, suitable personality and characteristics indicative of sufficient maturity for life in the community).<sup>8</sup> More detailed regulations are then included in the actual laws of the individual religious and secular institutes.

## 2. Specifics of religious life

One must find one's vocation in life and have at least a basic knowledge of the identity of a particular vocation. There is consequently a need that the ones responsible for pastoral care of vocations have this required knowledge and the diocesan priests and practicing laymen to a basic extent too. The vocation to the religious life can be characterized by the following signs: 1) the desire for a specific consecration to God through the Gospel counsels as a response to a vocation from God, 2) the inclination to live a particular life form in the community, 3) in the case of apostolic institutes also by the availability, interest in a particular apostolate of the community.<sup>9</sup> Religious life is specific in several dimensions:

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<sup>6</sup> SACRA CONGREGATIO PRO RELIGIOSIS ET INSTITUTIS SAECULARIBUS: *Instructio Renovationis causam de accomodata renovatione institutionis ad vitam religiosam ducendam* (6.01.1969) AAS 61 (1969) pp. 103—120.

<sup>7</sup> CONGREGATIO PRO INSTITUTIS VITAE CONSACRATAE ET SOCIETATIBUS VITAE APOSTOLICAE: *Instructio Potissimum institutioni de institutione in religiosis institutionis* (2.02.1990) AAS 82 (1990) [hereafter: PI], pp. 470—532: Unlike the postulate in CIC of 1917 the prenovitiate formation does not have to take place in a religious house and its form is governed by the rights of the institute itself.

<sup>8</sup> Cf. CIC, can. 642.

<sup>9</sup> Cf. SACRED CONGREGATION FOR RELIGIOUS AND FOR SECULAR INSTITUTES: *Essential elements in the Church's teaching on religious life as applied to Institutes dedicated to Works of the Apostolate* (31.05.1983) [hereafter: EE], n. 4.

the radicalism in the pursuit of perfection – with the profession, the religious has the duty to carry out what is Gospel advice for others.<sup>10</sup> Also important are the various gifts by which the life of Jesus Christ is represented in the Church, especially by continence (virginity or celibacy) for the Kingdom of God.<sup>11</sup> The religious life is also an eschatological sign for all Christians thanks to both his community and public witness.<sup>12</sup> Prior to the Second Vatican Council, the term *status perfectionis acquirendae* was used in the Church to mark the religious state.<sup>13</sup> The importance placed by the Council on the universal call to holiness also shifted the emphasis in this case and replaced it with the expression *consecratio*. The term *vita consecrata* is currently used for the religious state. Stability, which used to be expressed by the term *status*, is now expressed by characterizing this situation as *stabilis vivendi forma*.<sup>14</sup> This stability has been provided by the adoption of the Gospel counsels in the profession (*professio consiliorum evangelicorum*) and can take various forms, the basic form is *per vota publica*. The Constitution *Lumen Gentium* for religious dedication uses the term *totaliter mancipatur*,<sup>15</sup> that is, the entire human person with everything that belongs to it.<sup>16</sup> God's act with which God calls to man is in first place, and in the act of the person's response to this call is in second place. The legal definition of can. 573 uses the somewhat weaker term *totaliter dedicantur*. The legislature then summarizes the theological elements of the consecrated life in the same canon, these being consecration, the acceptance of the obligations of the Gospel counsels, common life (in the case of religious institutes in the community). Characteristic canonical-legal elements are then: canonical recognition (establishment) by the competent ecclesiastical authority, commitment of the Gospel counsels in the manner legally recognized by the Church (public professions) and proper legislation of the Institute itself (*ius proprium*).<sup>17</sup>

<sup>10</sup> Cf. VC, n. 15.

<sup>11</sup> Cf. LG, n. 42.

<sup>12</sup> Cf. LG n. 44.

<sup>13</sup> The term is also contained in LG n. 4 (religious institute as *institutum perfectionis*) or S.C, n. 98.

<sup>14</sup> CIC, can. 573 § 1: *Vita consecrata per consiliorum evangelicorum professionem est stabilis vivendi forma qua fideles, Christum sub actione Spiritus Sancti pressius sequentes, Deo summe dilecto totaliter dedicantur ut, in Eius honorem atque Ecclesiae aedificationem mundique salutem novo et peculiari titulo dediti, caritatis perfectionem in servitio Regni Dei consequantur et, praeclarum in Ecclesia signum effecti, caelestem gloriam praenuntient.*

<sup>15</sup> Cf. LG, n. 44.

<sup>16</sup> Cf. *Sth. II—II, q. 186, and q. 7*: For Thomas Aquinas the religious profess is *quasi holocaustum* — complete dedication to God.

<sup>17</sup> Cf. D. ANDRES: *Le forme di vita consecrata*. Roma 2014, p. 30.

### 3. Formation for the religious vocation as a special form of realization of the baptismal consecration

Religious consecration is a mere development of baptismal consecration (not its negation), it is its improved expression,<sup>18</sup> and leads to service in the heart of the Church (which also implies the need for apostolic operation). The concept of formation (from Latin *formatio*) means to shape, model, form.<sup>19</sup> The period of formation should be a period of acquiring knowledge and experience enabling an individual to answer to the call of God. It is an indisputable right of every institute due to its specificity itself.<sup>20</sup> It focuses generally on the overall understanding of the individual: the nature and characteristics, and in particular the ability to take on the demands arising from the religious profession. It specifically focuses not only on an understanding of the gift of the Institute, of its history and its special mission,<sup>21</sup> but also on an understanding of the life of a Christian and religious asceticism, the practice and observance of the profession and of statutes of the Institute and last but not least, a deeper understanding of Church teaching in the context of fulfilling the mission of the Institute.

I will attempt to describe the preparation for this kind of life dedication *using the analogy of preparation for marriage* (although this division cannot be found in any document) which means dividing it into a remote, proximate and immediate stage. Before discussing the closest practical level, I will attempt to describe at least in general what qualities a candidate for religious life should obtain in the previous periods (or, in the case of a convert, what should occur before the novitiate itself). As

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<sup>18</sup> Cf. PC, n. 5; VC, n. 30: *In Ecclesiae traditione religiosa professio existimatur tamquam unica fertilisque baptismalis consecrationis explicatio quatenus eius auxilio arta cum Christo coniunctio, iam Baptismate incohata, per donum enucleatur plenius declaratae atque impletae conformationis per evangelicorum consiliorum professionem. Ulterior haec consecratio propriam induit qualitatem ad priorem quod attinet, cum qua non simplex est consociatio neque necessarius quidam effectus.*

<sup>19</sup> The formator is both the person who forms the other person and (primarily) every person should be a formator to himself/herself to gradually reach the fullness of their baptismal consecration.

<sup>20</sup> Cf. CONGREGATION FOR INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE: *Instruction Inter-Institute Collaboration for Formation* (8.07.1998) [hereafter: CF], n. 7: The Heritage of this Institute (*patrimonium instituti*) consists of three elements: the intentions and objectives of the founder (*mens atque propositi fundatorum*) about the character and nature of the Institute, the approval of this way of life by competent authority of the Church and sound traditions of the Institute.

<sup>21</sup> Cf. CF, n. 10b.

soon as at the time of remote preparation within one's family upbringing, the individual should accept the fact that he/she is a personality with strengths and weaknesses. He/she should accept a certain value system, understand the importance of love and the noble task of marriage and the family and in the context of this positive acceptance consequently the meaning and value of life without marriage (the priesthood or religious life). He or she should gradually become ready for the capacity to make a lifelong decision to a specific form of commitment and the acceptance of this life as an objective fact the center of which is not merely him/her. On this basis, similarly as in the case of proximate preparation (usually at the time of completion of adolescence, the period of pastoral care of the youth) one should accept the specificity of masculinity and femininity, the specificity of marriage as a personal relationship between a man and woman, which is derived from human nature and anchor himself/herself in life with God and in the Church. He or she should realize and accept his/her dignity, his/her particular gifts, his/her emotionality and focus on orientation within the foundation of healthy interpersonal relationships. The individual at this point also gradually improves the ability to love and build interpersonal relationships and deeper ties (not only superficially communicating and sharing information). The maturation of the acceptance of his/her personal identity and his/her spiritual identity (i.e. the Christian one) in the case of persons called to the consecrated life also begins to be connected with the search for religious identity. In this dimension, at this time, such a person should accept the specificity of his/her personal propensity and call to a more exclusive dedication to God and find that this is the path to which the Lord calls him/her and that he/she has at least basic skills in this specific way. At this time, he/she should also look for a specific way of realization of his/her consecration (an individual form of consecrated virginity or one of the social forms in a religious institute, secular institute in new directions and movements, etc.). They usually feel attracted at this time to a particular spirituality and institution, because religious identity takes its form upon the very gifts of the individual institutes. The period of the immediate preparation can be identified with the so-called prenovitiate (postulate), by which begins its own formation in a particular religious institute. It can generally be stated that the time, place and manner of the postulate are governed by the proper law of the institute itself. It may take a different period of time and may take various forms.<sup>22</sup>

<sup>22</sup> Cf. CONGREGATIO PRO INSTITUTIS VITAE CONSACRATAE ET SOCIETATIBUS VITAE APOSTOLICAE: *Instructio Potissimum institutioni de institutione in religiosis institutionis* (2.02.1990) [hereafter: PI], n. 42, 44. Instructions merely say that this time is necessary and can be extended in accordance with the ability of a particular candidate (and institute). Regard-

### 3.1. The formation of young people for a profession in a religious institute from the point of view of the diocese

Part of the general pastoral care of vocations in the diocese is the lead of young people to look for paths to religion too. Unlike the preparation for marriage, which has been elaborated and described in detail within the period of the free activity of the Church in the Czech Republic or the formation to the priesthood (which is primarily led in seminaries), the area of formation for religious life has been somewhat neglected.<sup>23</sup> The Czech Republic is also a country with a break in the continuity of religious formation at the time of Communist totalitarianism. This is also a reason why the dioceses cannot always be focused on pastoral care of vocations of youths in this direction and why instead they refer to specific religious institutions. Many diocesan priests also have issues when accompanying the seekers in this way if they do not have any positive personal experience while working with religious men and women in pastoral care. The fact that the religious institutes in the Czech environment, decimated by totalitarianism, have not always been able to provide quality formation of its candidates cannot be concealed. There has been a positive shift, however, even in this area. On the nation-wide level a coordinating national team for the pastoral care of vocations was created the, composed of representatives of CMS (Conference of Major Superiors) and CBC (Czech Bishops' Conference) which prepared in 2011 a document for the pastoral care of vocations in the Czech Republic<sup>24</sup> setting out the main lines of this pastoral care. A similar team for the pastoral care of vocations should be established in individual dioceses. Another project aimed generally at those seeking vocation, which was established

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ing location, it is recommended that the prenovitiate does not take place (except the communities of contemplative nuns) in the novitiate community of the institute.

<sup>23</sup> Cf. *PI* n. 42, 44. Instructions merely say that this time is necessary and can be extended in accordance with the ability of a particular candidate (and institute). Regarding location, it is recommended that the prenovitiate does not take place (except the communities of contemplative nuns) in the novitiate community of the institute.

<sup>24</sup> *Draft of pastoral care of vocation*, op. by: [www.fatym.com/download.php?file=01387](http://www.fatym.com/download.php?file=01387): The proposal has been inspired by a similar document on the pastoral care of vocation in Slovakia and the document issued after the Congress on vocation to priesthood and consecrated life in Europe (Rome, 5th to 10th May 1997) by the Congregation for Catholic Education, the Congregation for the Oriental Churches and the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life called the New Vocations for New Europe (Czech translation: Czech Bishops' Conference Secretariat, Prague, no. 38 of Red series of documents).

in 2006, was the website for pastoral care of vocations,<sup>25</sup> where a team of priests, religious and laity helps to target seekers in this area through articles, offerings of events, exercises, meetings and contacts. The Czech Bishops' Conference also established the Commission for the pastoral care of vocations (Josef Kajnek is currently the Chairman Bishop), which cooperates with the Conference of the Superiors of Male and Female Religious Institutes in the Czech Republic.

There was a specific project in the Olomouc Archdiocese as part of the Year of Consecrated Life enounced by Pope Francis on 30 November 2014 and lasting until November 2015. The Center for Youth of the Olomouc Archdiocese prepared a thematic series of videos entitled *The Year of Consecrated Life* in which they presented religious orders and societies, as well as certain specific ways of experiencing consecration in the Church. The first part was focused on the topic of holiness and was created in cooperation with Olomouc Dominicans. It was followed by the topics of joy (the Community of the Beatitudes), gifts (the Capuchins), poverty (the Poor Clares-Capuchins), education (the Jesuits), vocation (the Community of the Sisters of Jesus), (non-)triviality (the Premonstratensians), service (the Franciscans — Sisters of the Immaculate Conception of the Virgin Mary), flexibility (the Salesians), fidelity (the Carmelite Sisters), truthfulness (the Dominican Sisters), accompaniment (the Sisters of St. Vincent), praise (the Marian of the Immaculate Conception) and identity (the Trappists). The last part was a video related to the pilgrimage of gratitude for vocation in August 2015 at Velehrad. In this documentary, a 15-series cycle, specific religious men and women presented their way of life and dedication to service. The cycle was met with great enthusiasm by youth and facilitated closer insight into the reality, value and importance of religious life even in the secularized Czech environment at present.

### 3.2. The formation of youth towards a vocation in a religious institute by religious orders in general

Individual religious institutes have been developing their own educational and formative activities both before entering the institute and after entering the novitiate. They have their proper regulations governing this area, contact persons and their own formatters. It is often emphasized

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<sup>25</sup> See: [www.hledampovolani.cz](http://www.hledampovolani.cz) . The web is operated by the pastoral center of the Prague archbishopric.



that apart from God's activity addressing specific candidates for religious life, the primary testimony of life is usually the apostolate of each religious and each community. *Prenovitiate* (*postulate*)<sup>26</sup> is the stage of religious formation, which should lead to sufficient readiness for a particular candidate for admission to the novitiate. CIC of 1917 described in three canons the time, place and apparel during this period, however, it has not commented on the goals.<sup>27</sup> CIC of 1983 does not address these questions related to the time before the novitiate. It only comments on it indirectly in can. 597<sup>28</sup> and 642,<sup>29</sup> on the need for due preparation, maturity and attention of the superiors to candidates for religious life. The instruction *Potissimum institutioni* of 1990 in its fifth part addresses these current issues of religious formation. It describes the situation for young people (both the positive and negative aspects, especially in nos. 86—89) in detail, seeking out common features as the basis for directing the initial formation. The specific features for young people in the individual local churches are also worth mentioning.<sup>30</sup> The development of youth is extremely fast and appropriate maturity (in the area of faith, as well as in areas of psychology or emotional maturity) does not correspond to it. A religious vocation requires a sufficient degree of such maturity and the prenovitiate should help this or, as the case may be, provide the missing attributes.<sup>31</sup> A designated religious formatter, who is to cooperate with the novice master, takes care of the candidates.<sup>32</sup> The contents

<sup>26</sup> There cannot be found a unified term for this stage. The postulate is an older term, instructions *PI* (1990) uses the term prenovitiate.

<sup>27</sup> Cf. *CIC of 1917* can. 539—541.

<sup>28</sup> *CIC*, can. 597: Section (§) 1: *In vitae consecratae institutum admitti potest quilibet catholicus, recta intentione praeditus, qui qualitates habeat iure universali et proprio requisitas nulloque detineatur impedimento.* Section (§) 2. *Nemo admitti potest sine congrua praeparatione.*

<sup>29</sup> *CIC*, can. 642: *Superiores vigilanti cura eos tantum admittant qui, praeter aetatem requisitam, habeant valetudinem, aptam indolem et sufficientes maturitatis qualitates ad vitam instituti propriam amplectendam; quae valetudo, indoles et maturitas comprobentur adhibitis etiam, si opus fuerit, peritis, firmo praescripto can. 220.*

<sup>30</sup> For example in the Czech Republic and Poland, the experience of totalitarian communism, after its fall and liberalization of society, as well as in the value area, the effects of particular movements and Church communities specific for the given region and so on.

<sup>31</sup> Cf. W. KIWIOR: "Etapy řeholní formace." In: *Řeholní formace*. Olomouc 2002, pp. 93—166. The author (pp. 100—102) discusses the specific elements of human formation (natural virtues, discipline and beauty of ordinary human values, the right motivation, freedom to make decisions) and the formation of a certain degree of religious Christian maturity, the experience of prayer, common life, liturgy, sacraments) which should be supplemented during the time of the prenovitiate.

<sup>32</sup> Cf. *PI*, n. 44.

of the prenovitiate are regulated by the internal regulations of individual religious institutes. In general, this period is characterized by personalized formation, the environment and elements guaranteeing the free choice of the candidate (it should not be an extended novitiate), using appropriate spiritual and educational resources (including the possible assistance of a psychologist) and the verification of the exigencies, which a candidate for entry into the novitiate has to meet, both the canonical-legal and the personal ability to live in a particular institute.<sup>33</sup>

The canonical expectations are as follows:<sup>34</sup> the candidate has to be a Catholic, of a suitable age, health, nature and personality and sufficiently mature. He or she has to be older than 17 and cannot be a spouse in a marriage (*coniux durante matrimonio*), or a candidate who is already bound by a sacred commitment to an Institute of Consecrated Life or incorporated in a Society of Apostolic Life. He or she must not enter the institute through coercion, grave fear or fraud and must not conceal his/her incorporation into the Institute of Consecrated Life or Societies of Apostolic Life. He/she has to submit to a certificate of baptism, confirmation and single status. If the candidate or cleric has been admitted to another institute or seminary, the testimony of the competent ordinary or the major superior or rector of the seminary is required. Additional impediments causing invalid admission to the novitiate can be established by the proper law of institute itself.<sup>35</sup>

### 3.3. Specific examples of prenovitiate formation in the Czech Dominican Province

#### The Dominican Brethren

The last provincial chapter of the Czech Dominican Province regarding initial formation of its brothers stated that the prenovitiate should include at least 10 week-end meetings with each candidate to the order. The reason for this regulation is not in order to delaying the entrance but

<sup>33</sup> Cf. W. KIWIOR: “Etapy řeholní formace,”... pp. 106—107.

<sup>34</sup> Cf. *CIC*, can. 597, 643, 645.

<sup>35</sup> In practice, a candidate usually fills in a questionnaire to enter a religious institute providing general personal data, family data and specific personal data (physical and mental health, including illness and addictions, studies, education, work experience, social relations and hobbies, Christian life, professional growth, etc.). At the same time, addresses of two impartial persons who would be able to verify these data are also required.

in order to obtain a better mutual knowledge of the candidate and the brethren.<sup>36</sup> This regulation should also be reflected in the schedule of formation and study of the Czech Dominican Province,<sup>37</sup> which defines the prenovitiate basically. The current working materials of the Novice Master and the formatters (material for internal use) specify it in detail.<sup>38</sup> These documents specify the requirements of Church law and of the documents of the order according to the possibilities of the Czech Dominican Province. Admission to the novitiate is directed in a way that after a year of novitiate the brothers who will study after the professions can begin a standard academic year. The working procedure with the candidates begins about a year before the stated time of the beginning of the novitiate. The development of the activities and the seeking out of ways to bring the Dominican religious life closer to young people (e.g. a suitable type of information in the media) does not depend only on the promoter for the profession, but also on the individual monasteries and brethren.<sup>39</sup> The candidate is accepted to the novitiate by the promoter for the vocation (in the case of applicants older than 40 years of age, the Formative Board will decide on their acceptance upon a proposal from the promoter for vocations). Before anything is promised to the interested person by the order, he meets the promoter of the vocation. At the meeting they clarify the basic facts, among others: a) the motive and freedom of choice of life in the order; b) the life of faith (the time since conversion, regular sacramental life, the status of Christian formation); c) age and education; d) employment or method of financial security; e) family background, relationships, the existence of any obligations, etc.<sup>40</sup> The promoter consequently communicates in writing the opinion on the vocation to the candidate: either he is told that he will be accepted into the prenovitiate of the novitiate together with an introduction to its course or a decision is made to postpone the acceptance (showing specific reasons). If the candidate does not comply with the conditions completely and there is no indication of hope for a change, the promoter of the vocation should communicate this fact in writing so that the candidate would not be kept in false expectation and can continue to explore his place in life.<sup>41</sup> The first months of the

<sup>36</sup> CZECH DOMINICAN PROVINCE: *Acts of the Provincial Chapter of CDP*. Prague 2014, n. 109.

<sup>37</sup> CZECH DOMINICAN PROVINCE: *Schedule on formation and studies of CDP*. Prague 2006. The document describes the entire period of formation, not only the initial one [hereafter: SFS].

<sup>38</sup> Furthermore CZECH DOMINICAN PROVINCE: *Internal guidelines for prenovitiate and novitiate of CDP*. Olomouc 2011.

<sup>39</sup> Cf. SFS, n. 5.

<sup>40</sup> Cf. *Internal guidelines for prenovitiate and novitiate of CDP*, II, p. 6.

<sup>41</sup> Cf. *Internal guidelines for prenovitiate and novitiate of CDP*, II, p. 6.

prenovitiate are filled primarily by personal interviews between the promoter and the candidate. The candidates spend one weekend each month in a monastery. Before entering the novitiate, the candidates are supposed to be in a monastery for at least one month or a maximum of three months. It should preferably be a larger monastery, where the promoter of the vocation resides. The candidates should participate in the divine services of the monastery and under the guidance of the promoter should discuss specific set topics.<sup>42</sup> *The internal guidelines for the prenovitiate and novitiate of CDP* also contain important terms and dates for this period, the list of documents required for admission to the order, questions for the candidate to be answered in writing, a contact for the person with whom the promoter may arrange provision of a psychological personality examination of the candidate, a draft plan of the prenovitiate meetings and if the stay in a monastery and a proposal for recommended literature for this period.

### The Dominican Nuns (the Znojmo Monastery)

This convent of contemplative Dominican Nuns has developed its own formation-study curriculum (for the entire formation, both the initial and ongoing one).<sup>43</sup> The curriculum begins with this quote: “The formation of cloister nuns has been aimed at preparing a person for total consecration to God while following Christ in a way of life focused solely on contemplation in accordance with the proper special mission in the Church.”<sup>44</sup> The initial contact period here is called a candidacy there. At the beginning, the interested person for this way of life arrives for a certain period of time (e.g. a weekend) based on their possibilities and the possibilities of the monastery. The candidate usually has conversations with the nuns at this time, especially with the prioress or a designated nun and based on the circumstances the psychological tests are held. The study formation is therefore focused on personal human and Christian formation, which also enables easy continuity in the event that the candidate decides not to continue in the formation in the monastery of Dominican nuns. It also seeks to contribute to the necessary elementary knowledge

<sup>42</sup> Cf. *SFS*, n. 6 and n. 8. These topics are updated regularly and they cover the following areas: spiritual life, religious life, apostolate, liturgy, salvation history, introduction to faith. During the long-term stay in the monastery, the candidates to the priesthood also work manually and learn French because students of CDP are currently formed in France.

<sup>43</sup> MONASTERY OF NUNS OF THE ORDER OF PREACHERS OF ZNOJMO: *Formation-study program of the Nuns of the Order of Preachers in the monastery of St. Cross Znojmo (Ratio institutionis)*. Znojmo 2008 [hereafter: FSPN]. The document is supplemented by a clear table scheduling the content of each stage.

<sup>44</sup> Cf. *Verbi sponsa*, n. 22.

of Dominican specifics to allow for a responsible decision on the part of the candidates.<sup>45</sup> After this period of time, she comes home and if she is interested, is accepted into the prenovitiate (postulate). The aim of the postulate is to consequently recognize the personal vocation to the consecrated life in the contemplative convent, including the gradual separation from a secular way of life and the acquisition of basic habits of religious life.<sup>46</sup> The community should be allowed to form a deeper understanding of the skills and behavior of the postulant, including the level of her religious life. The formation has therefore been specifically focused on a basic knowledge of consecrated life in a contemplative religious community and a basic introduction to the Dominican charism. An emphasis is placed on completion of Christian formation according the conditions of a particular candidate. It should also facilitate the continuity in the event that the postulant decides for another form of consecrated life or decides to return to the world. It also seems appropriate for the postulate to start learning the Latin language and also allows for the use of a modern language, those foundations had been acquired by the candidate thus far.<sup>47</sup>

Part of the formation curriculum is a list of topics and recommended reading for the period of the candidacy and postulate. The initial formation should be aimed at achieving sufficient autonomy for life in religious commitments, while the ongoing formation is supposed to develop this way of life further.<sup>48</sup>

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<sup>45</sup> Cf. *FSPN*, n. 1.1 The period of the candidature aims to achieving sufficient personal and Christian maturity in the areas of prayer (the essence of prayer, basic types of prayer, personal and common prayer), liturgy (introduction to the nature of liturgy and liturgy of hours), consecrated life (the fact of personal vocation, basic life vocation: consecrated life, marriage, solitary life, Dominican emphases, monastic tradition), history of the Order (contemporary circumstances of founding of the Order, basic information about St. Dominic), basic knowledge of religion.

<sup>46</sup> In the area of postulate, the topics are related to personal vocation. The area of prayer is developed in terms of understanding the nature of contemplative prayer, community character of liturgical and contemplative prayer. In the area of liturgy continues the introduction to the liturgy of the hours, gestures and words, especially in the Dominican tradition, liturgical hymns. Knowledge in the area of consecrated life develops the evangelical basis and the basic requirements of this lifestyle, nature of the Dominican common life, the contemplative dimension, the relationship of consecrated life and sexuality (including the necessary foundations of psychology). The history of the Order is focused on the charism of St. Dominic and the great Dominican saints. A biblical study informs about the basic information regarding the Holy Scripture and introduce to *lectio divina*. According to individual needs, religious knowledge, especially the Catechism, can be supplemented further; continuing the study of Latin and a modern language.

<sup>47</sup> Cf. *FSPN*, n. 1.2. The plan of study formation conceived in this way in the postulate usually requires at least six months, if necessary the period of the postulate is extended, but not more than by other six months.

<sup>48</sup> Cf. *PI*, n. 67.

## Final evaluation

The statistical data on the state of candidates for religious life can finally be summarized. There were 1,120 religious sisters and nuns and 689 religious brethren and monks in the Czech Republic as of 1st January 2016, 13 of them were novices in 30 male religious institutes (2 Benedictines, 2 Franciscans, 1 Jesuit, 2 Capuchins, 1 Minority, 2 Salesians, and 3 Trappists),<sup>49</sup> 13 novices in female religious institutes (2 discalced Carmelite nuns, 1 Capuchin Poor Clare, 2 Trappists, 2 Sisters of Mercy of St. Borromeo, 1 Franciscan Opava, 2 Franciscans of the Holy Cross, 1 Salesian, 1 Servant of the Silesian Virgin Mary, and 1 Little Sister of Jesus), and 4 novices in secular institutes.<sup>50</sup>

This could serve to indicate that there is not all that much religious vocation, as well as the fact that those interested in this way of life are not deemed appropriate during the initial stages of prenovitiate formation. I am of more of the second opinion. A religious institute unfortunately often attracts the interest of non-standard types of individuals (e.g. the homeless, people who have been unable to find a place in society or people with a certain mental immaturity or disorder), who are convinced that their problems are going to be simply solved in this way. The second group is the recently baptized ones, who during the initial enthusiasm, but again without the necessary experience with the daily life of faith and a because of certain anchoring decide for such a radical change in their lives. A certain correction is therefore necessary on the part of certain religious institutes, which should ideally take place before the proper commencement of the religious life. This concerns both the protection of the particular religious community and assistance to the candidate in his/her seeking. The current candidates for religious life often lack basic human maturity and experience (more than Christian maturity). This is not an issue specific for religious life but a social problem in general. The initial formation of candidates for religious life is designed precisely for its improvement. There is therefore necessary to choose those formatters who have this maturity and are able to share it.<sup>51</sup> The youth of today are by no means oblivious to God's call to the religious way of life, although

<sup>49</sup> CONFERENCE OF HIGHER RELIGIOUS SUPERIORS: *Catalogue of male and female religious institutes in the Czech Republic*. Prague 2016, p. 2.

<sup>50</sup> *Ibidem*, pp. 24–25.

<sup>51</sup> Cf. VC, n. 66. Formatters should be experienced in the life of prayer and dedication. They should have the ability to listen and lead dialogue, as well as confidentiality, discretion, truthfulness, enough time for personal conversations and positive attitude to work with the youth.

it often means swimming against the current in relation to their peers. The pastoral care of the vocation will allow them to discover this way of life, develop and live through it, in order to encourage the pluralism and diversity of life of Church in which all the states and groups complement one other. The purpose of the religious state is to provide testimony that the world cannot be reformed and dedicated to God without the spirit of the beatitudes.<sup>52</sup> There should be no extremes: neither too active a community manipulating the candidate in the direction towards a religious life, nor too active a candidate who would quickly want to enter into all religious rights and obligations to demonstrate that he/she “can manage.” The principles of formation to consecrated life and accompaniment on this path are stated by various programs offered by both the dioceses and religious institutes themselves. Furthermore, the institutes have drawn up detailed plans based on the particular features of the institute for each period of formation, which they update regularly. The fact that the activity of successful accompaniment does not only depend on the formation or formater should not be ignored as a crucial factor here is the Holy Spirit guiding people in a concrete, specific way.<sup>53</sup>

<sup>52</sup> Cf. *LG*, n. 31.

<sup>53</sup> Cf. *PI*, n. 19.

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MONIKA MENKE

## Young People at Present and Their Preparation for Religious Life

### Summary

Religious consecration is a mere development of baptismal consecration, it is its improved expression and leads to service in the heart of the Church. Therefore, it is like the preparation for marriage, preparation for another way of dedication of life is one of the fundamental tasks of the Church community. The article deals with the subject on the border between of the canon law and of the pastoral theology: the formation of contemporary youth for their religious vocations. This is primarily the formation of the personality leading to maturity for a lifetime decision enshrined in family education and in the consequential pastoral care of vocations in the dioceses. A specific type is then the pastoral care of vocations in religious institutes. This will be exemplified with the example of initial formation in the Czech province of the Order of Preachers, in the case of the Dominican Brethren and of the Contemplative Nuns. In conclusion, are summarized and evaluated the statistical data about the status of candidates for religious life in the Czech Republic and the reasons for the low number of vocations at present.

MONIKA MENKE

## Les jeunes gens à l'époque contemporaine et leur préparation à la vie religieuse

### Resume

La consécration religieuse est profondément enracinée dans la consécration baptismale, en l'exprimant plus pleinement, et conduit au service au sein de l'Église. Pour cette raison, analogiquement à la préparation au mariage, la préparation à un autre mode de vie appartient aux tâches fondamentales de la communauté ecclésiastique. L'article est consacré au thème se situant à la charnière du droit canonique et de la théologie pastorale: la préparation des jeunes gens d'aujourd'hui à la vie monastique. C'est avant tout la formation de la personnalité dans sa maturité consistant à prendre une décision pour toute la vie, basée sur l'éducation familiale et la prêtrise de vocations dans un diocèse qui la continue. Un type spécifique est ensuite la prêtrise de vocations dans des institutions religieuses que l'on a présentées en s'appuyant sur les exemples de la formation initiale dans la province tchèque de l'ordre des Prêcheurs: chez les frères dominicains et

les religieuses contemplatives. Dans la conclusion sont évaluées les données statistiques concernant le statut des candidats à la vie monastique en République tchèque ainsi que les causes du faible nombre de vocations à présent.

**Mots clés:** vocations monastiques en République tchèque, vie monastique, droit canonique

MONIKA MENKE

## I giovani attualmente e la loro preparazione alla vita religiosa

### Sommario

La consacrazione religiosa è fortemente radicata nella consacrazione del battesimo, esprimendola più pienamente, e conduce al servizio nel cuore della Chiesa. Per questo motivo analogicamente alla preparazione al matrimonio anche la preparazione ad un altro modo di vita rientra tra i compiti fondamentali della comunità ecclesiastica. L'articolo è dedicato ad un argomento al confine tra il diritto canonico e la teologia pastorale: la preparazione dei giovani contemporanei alla vita religiosa. Si tratta soprattutto della formazione della personalità nella maturità a prendere la decisione per tutta la vita, basata sull'educazione familiare e che trova continuazione nella pastorale delle vocazioni nella diocesi. Un tipo specifico è poi la pastorale delle vocazioni negli istituti religiosi che è stata presentata sugli esempi della formazione iniziale nella provincia ceca dell'Ordine dei Predicatori: dai frati domenicani e dalle monache contemplative. Nella conclusione valutiamo i dati statistici riguardanti lo status dei candidati alla vita religiosa nella Repubblica Ceca e le cause del numero basso attuale di vocazioni.

**Parole chiave:** vocazioni religione nella Repubblica Ceca, vita religiosa, diritto canonico

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## *Ius connubii* Today — Legal and Pastoral Perspective

**Keywords:** system of canonical matrimonial law, *ius connubii* principle, *favor matrimonii* principle, preparation for matrimony, new “marriage catechumenate”

### Introductory remarks

Holy Father Pope Francis’ identification in the VI chapter of the *Amoris laetitia* adhortation (2016) of the preparation of young people for matrimony<sup>1</sup> as one of the contemporarily most important pastoral challenges, unquestionably constitutes a valuable fruit of two Synods of Bishops dedicated to family: extraordinary (2014) and ordinary (2015). It seems important to notice that as long as this idea adopted a character of a leading pastoral perspective in the adhortation, or — as it is nowadays articulated by prominent synodal fathers — axis of the entire (*der pastorale Hauptpunkt*) document,<sup>2</sup> we still need to wait for a doctrinal and practical formation of new creative layers of this idea. The first important step toward this direction was made by the very Pope in the Address to the Roman Rota of 2016 when, based on the testimony given by the par-

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<sup>1</sup> FRANCIS: *Apostolic Exhortation “Amoris Laetitia”* [19.03.2016], [henceforth: AL], nn. 205—216.

<sup>2</sup> W. KASPER: *Deutschland ist in Sachen Ehevorbereitung ein Entwicklungsland*. Kath.net (24.04.2017) — [http://www.kath.net/news/59321?keepThis=true&TB\\_iframe=true&height=650&width=850&caption=KATH.NET](http://www.kath.net/news/59321?keepThis=true&TB_iframe=true&height=650&width=850&caption=KATH.NET) [accessed: 2.05.2017].

ticipants of the Synod,<sup>3</sup> he voiced his belief that a proper preparation for matrimony has to be connected with “a kind of new catechumenate.”<sup>4</sup> When appearing a year later (2017) in front of the same assembly he dedicated his entire speech to the recommendation of implementing in Churches particular programmes of matrimonial catechumenate (“new catechumenate”)<sup>5</sup> — introducing the *novum* of this project to the context of pastoral recommendations set forth by Saint John Paul II, included in the 66th number of the *Familiaris consortio*<sup>6</sup> adhortation.

It remains a characteristic fact that Pope Francis made the workers of church judiciary, and more wider — the world of the science of canon law, the first addressees of this important pastoral communiqué.<sup>7</sup> What is

<sup>3</sup> “[...] the Synod Fathers agreed on the need to involve the entire community more extensively by stressing the witness of families themselves and by grounding marriage preparation in the process of Christian initiation by bringing out the connection between marriage, baptism and the other sacraments. The Fathers also spoke of the need for specific programmes of marriage preparation aimed at giving couples a genuine experience of participation in ecclesial life and a complete introduction to various aspects of family life.” AL, n. 206; SYNOD OF BISHOPS: *III Extraordinary General Assembly. “The Pastoral Challenges of the Family in the Context of Evangelization”*. *Relatio Synodi*. Vatican City 2014, n. 39 — [http://www.vatican.va/roman\\_curia/synod/documents/rc\\_synod\\_doc\\_20141018\\_relatio-synodi-familia\\_en.html](http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20141018_relatio-synodi-familia_en.html) [accessed: 2.05.2017].

<sup>4</sup> FRANCIS: *Allocutio ad Tribunal Rotae Romanae, occasione Inaugurationis Anni Iudicialis* [22.01.2016]. “Acta Apostolicae Sedis” [henceforth: AAS] 108 (2016), p. 139.

<sup>5</sup> FRANCIS: *Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year* [21.01.2017] — [http://w2.vatican.va/content/francesco/en/speeches/2017/january/documents/papa-francesco\\_20170121\\_anno-giudiziario-rot-a-romana.html](http://w2.vatican.va/content/francesco/en/speeches/2017/january/documents/papa-francesco_20170121_anno-giudiziario-rot-a-romana.html) [accessed: 2.05.2017].

<sup>6</sup> “The immediate preparation for the celebration of the sacrament of Matrimony should take place in the months and weeks immediately preceding the wedding, so as to give a new meaning, content and form to the so-called premarital enquiry required by Canon Law. This preparation is not only necessary in every case, but is also more urgently needed for engaged couples that still manifest shortcomings or difficulties in Christian doctrine and practice. Among the elements to be instilled in this journey of faith, which is similar to the catechumenate, there must also be a deeper knowledge of the mystery of Christ and the Church, of the meaning of grace and of the responsibility of Christian marriage, as well as preparation for taking an active and conscious part in the rites of the marriage liturgy.” JOHN PAUL II: *Apostolic Exhortation “Familiaris Consortio”* [22.11.1981], [henceforth: FC], n. 66.

<sup>7</sup> Pope repeated this announcement in the address to parish priests, participants of a course organized by the Roman Rota: “Dear brothers, speaking recently to the Roman Rota, I recommended the implementation of a true catechumenate of future spouses including all the steps of the sacramental path: time of preparation for the marriage, its celebration and the years immediately thereafter. This catechumenate is principally entrusted to you parish priests, indispensable collaborators of the Bishops. I encourage you to implement it despite any difficulties you may encounter. And I believe the greatest hindrance is to view or experience marriage as a social construct — »we must comport with this social construct« — and not as a true sacrament which requires a very lengthy

more — similarly as the Pope of the Family in the aforementioned 1981 adhortation<sup>8</sup> — he did not hesitate to accept as a litmus paper of the realization of the common aim of the Church, defined in such a way, the *in concreto* fulfillment of the requirements of the canon law:<sup>9</sup> “The Church, [...] with a renewed sense of responsibility continues to propound marriage in its essential elements — offspring, the good of the spouses, unity, indissolubility and sacramentality — not as an ideal meant only for the few, notwithstanding modern models fixated on the ephemeral and the passing, but rather as a reality that in Christ’s grace can be lived out by all baptized faithful.”<sup>10</sup> Although in the farther passages of the quoted Rotal allocution (2016) this thought is not developed, the aforementioned formula “free choice”<sup>11</sup> quite explicitly drives us toward the key to understanding of the crux of the papal enunciation. Namely, the anchored in the very human nature elementary principle of *ius connubii*: “All persons who are not prohibited by law can contract marriage.”<sup>12</sup> Together with equally fundamental principle of matrimonial consent (*consensus matrimonialis*) it defines the foundations of the system<sup>13</sup> of matrimonial canon law and constitutes an important reference point<sup>14</sup> for every contemporary model of pastoral preparation for matrimony.

Since today the greatest shepherd of Christ’s sheepfold — Church legislator in such a way puts emphasis, putting forward the plan of a new pastoral strategy focused on the promotion of family among young people,<sup>15</sup> then what on all accounts is desired is the support of this evangelizational offense<sup>16</sup> on the side of representatives of the world of science,

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preparation.” FRANCIS: *Address to participants in the course on the marriage process* [25.02.2017] — [http://w2.vatican.va/content/francesco/en/speeches/2017/february/documents/pa-pa-francesco\\_20170225\\_corso-processo-matrimoniale.html](http://w2.vatican.va/content/francesco/en/speeches/2017/february/documents/pa-pa-francesco_20170225_corso-processo-matrimoniale.html) [accessed: 2.05.2017].

<sup>8</sup> Cf. FC, n. 29; see also JOHN PAUL II: *Allocutio ad Sacrae Romanae Rotae Tribunalis Praelatos Auditores, Officiales et Advocatos coram admissos* [28.01.1982]. AAS 74 (1982), pp. 449—454.

<sup>9</sup> FRANCIS: *Allocutio ad sodales Tribunalis Romanae Rotae* [22.01.2016]..., p. 139.

<sup>10</sup> Ibidem

<sup>11</sup> Ibidem, p. 137.

<sup>12</sup> *Codex Iuris Canonici* [henceforth: CIC], can. 1058; cf. *Codex Canonum Ecclesiarum Orientalium* [henceforth: CCEO], can. 778.

<sup>13</sup> Cf. K. LÜDICKE: *Münsterischer Kommentar zum Codex Iuris Canonici*, Essen (Lfg. Juli 2006), Einführung vor 1095/1—2; A. PASTWA: *Die kanonische Ehe im Zuge der personalistischen Erneuerung*, „Archiv für katholisches Kirchenrecht” 182 (2013), pp. 458—459.

<sup>14</sup> A. PASTWA: *Wstęp*. In: *Miłość i odpowiedzialność — wyznaczniki kanonicznego przygotowania do małżeństwa*. Eds. A. PASTWA, M. GWÓZDŹ. Katowice 2013, p. 12.

<sup>15</sup> “The desire to marry and form a family remains vibrant, especially among young people, and this is an inspiration to the Church.” AL, n. 1.

<sup>16</sup> Invariably the hermeneutic pillar of the activity of the Church as part of the new evangelization, profiled in such a way, will be theological anthropology, renewed in the

especially theology and the study of canon law. It is exactly this peculiar imperative not to evade this obligation that is hidden behind this attempt of a synthetic depiction of the current state of research on the title *ius connubii*. The inspirations that follow from the papal magisterium — both these signaled earlier and the other ones, also worth a deeper contemplation — suggest reflection upon the following issues: first of all, glancing at *ius connubii* as a system principle, then taking notice of *iunctim* two principles of matrimonial law: *ius connubii* and *favor matrimonii*, and finally highlighting the implications of recognition in *ius connubii* of the right to celebrate an authentic marriage.

### In pursuit of a “key” to an adequate depiction of *ius connubii* as a system principle

It was not without a reason that Pope Francis in his encyclical *Evangelii Gaudium* devotes a lot of attention to the “challenges of today’s world,”<sup>17</sup> which, among other, the young people have to face when making important life decisions, concerning the matrimonial and family vocation.<sup>18</sup> The advancing process of secularization, widely spreading deterioration of ethics, increase in relativism<sup>19</sup> and other dehumanizational trends<sup>20</sup> cause — according to the Pope — “a general sense of disorientation, especially in the periods of adolescence and young adulthood which are so vulnerable to change.”<sup>21</sup> What certifies best the seriousness of the problem is the fact that these contents were touched upon in the 2015 Rotal address, which shed light on the issue of: “the human and cultural context surrounding the formulation of the marriage intention.”<sup>22</sup> Referring to the “individualistic” depreciating or even rejecting the objective moral norms as allegedly

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teaching of Vatican II and famous John Paul II’s Wednesday Catechesis (Theology of the Body) according to the paradigm: Christ refers to the beginning. Cf. AL, nn. 9—13.

<sup>17</sup> FRANCIS: *Apostolic Exhortation “Evangelii Gaudium”* [24.11.2013] [henceforth: EG], nn. 52—75.

<sup>18</sup> “The family is experiencing a profound cultural crisis, as are all communities and social bonds. In the case of the family, the weakening of these bonds is particularly serious because the family is the fundamental cell of society, where we learn to live with others despite our differences and to belong to one another; it is also the place where parents pass on the faith to their children.” EG, n. 66.

<sup>19</sup> EG, n. 64.

<sup>20</sup> Cf. EG, n. 51.

<sup>21</sup> EG, n. 64.

<sup>22</sup> FRANCIS: *Allocutio ad sodales Romanae Rotae* [23.01.2015]. AAS 107 (2015), p. 182.

inconsistent with the elementary human rights,<sup>23</sup> the Pope warns about a peculiar usurpation of law, namely about a temptation to see matrimony as “a form of mere emotional satisfaction that can be constructed in any way or modified at will.”<sup>24</sup>

It was already his predecessor in the Holy See who noticed the dangerous coincidence: easy justification (in the name of a mistakenly understood pastoral love) of relativistic attitudes like: freedom separated from truth, freedom without responsibility — on the one hand, and a positivistic depiction of *ius connubii*, when this *ius* “becomes the formalization of subjective claims”<sup>25</sup> — on the other. That is where the answer to the question why the entirety of his special magisterium concerning canonistic matrimony (closed set of addresses to the Roman Rota in the years 2006—2013) Benedict XVI summarized by the means of an easy to interpret title: *veritas de matrimonio*<sup>26</sup> is located. That is not the end — in the contemporary display of this *veritas* the Pope ascribed an important role to the strong approach to the epistemological and methodological issue. The thing is about, first and foremost, a firm condemnation of “the hermeneutics of discontinuity and rupture,”<sup>27</sup> which is inconsistent with the *aggiornamento* logics of the Second Vatican Council. Indeed, only by the means of this *memento* (!) it is possible to capture the crux of the repeated — at least three times: in 2007, 2008 and 2011 — appeal of the highest legislator not to follow in the interpretation and application of *ius matrimoniale* code rules the positivistic concept of law.<sup>28</sup>

Does such a precise — displaying the legal culture — identification of the “crisis of values”<sup>29</sup> around the premise of: “a false understanding of

<sup>23</sup> “Such claims usually follow from a form of moral relativism that is joined, not without inconsistency, to a belief in the absolute rights of individuals. In this view, the Church is perceived as promoting a particular prejudice and as interfering with individual freedom.” EG, n. 64.

<sup>24</sup> EG, n. 66; FRANCIS: *Allocutio ad sodales Tribunalis Romanae Rotae* [23.01.2015]..., pp. 183—184.

<sup>25</sup> BENEDICT XVI: *Allocutio ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis* [27.01.2007]. AAS 99 (2007), p. 88.

<sup>26</sup> See O. FUMAGALLI CARULLI: *Le Allocuzioni di Benedetto XVI alla Rota Romana*. In: “*Iustitia et iudicium*”. *Studi di diritto matrimoniale e processuale canonico in onore di Antoni Stankiewicz*. Vol. 3. Eds. J. KOWAL, J. LLOBELL. Città del Vaticano 2010, pp. 1376—1381.

<sup>27</sup> BENEDICT XVI: *Allocutio ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis* [27.01.2007]..., p. 87.

<sup>28</sup> BENEDICT XVI: *Allocutio ad sodales Tribunalis Romanae Rotae Romanae* [15.01.2011]. AAS 103 (2011), p. 109. See also R. SOBAŃSKI: *Kanonistyka i pozytywizm prawniczy*. In: “*Ecclesia et status*”. *Księga jubileuszowa z okazji 40-lecia pracy naukowej profesora Józefa Krukowskiego*. Ed. A. DĘBIŃSKI, K. ORZESZYNA, M. SITARZ. Lublin 2004, pp. 211—224.

<sup>29</sup> FRANCIS: *Allocutio ad sodales Tribunalis Romanae Rotae* [23.01.2015]..., p. 182.

marriage,”<sup>30</sup> not indicate toward pressing pastoral urgency,<sup>31</sup> in order to intensify the evangelization effort — with a clear message to the young people: “the Church’s tradition clearly affirms the natural juridical character of marriage.”<sup>32</sup> Here, it is worth signaling that within this matter what has a momentous indicative value for priests is the 2011 address of Benedict XVI to the Roman Rota, which to some extent summarizes the subject matter of papal magisterium, including the thread<sup>33</sup> which highlights the title legal and pastoral optics: “[...] there is no such thing as one marriage according to life and another according to law: marriage is one thing alone, it constitutes a real legal bond between the man and the woman, a bond which sustains the authentic conjugal dynamic of life and love.”<sup>34</sup> Finally, Pope’s teaching culminates — which does not come as a surprise — in the statement: “*ius connubii*, must be seen in this perspective.”<sup>35</sup>

However, it is wrong to see in the latter enunciation exclusively a declaration of elementary truth, exemplarily reflected in a well known John Paul II’s statement in the *Letter to the Families*: “Marriage [...] remains the usual human vocation, which is embraced by the great majority of the people of God.”<sup>36</sup> If it is really possible and essential to accentuate the crucial role of Church legislation in planning and realizing the pro-family pastoral strategies, then it is not possible to perceive *ius connubii* exclusively within the narrow frame of right to a marriage ceremony. Since it is about a right to establish matrimonial and family community, elementary right,<sup>37</sup> which — as one of the prominent experts on this subject matter accurately notices — is not exhausted at the moment of entering into marriage, by the means of a personal and free decision, but determines recognition, protection and promotion resulting from this decision, matrimonial and family relations.<sup>38</sup> The conclusion is simple: discovering

<sup>30</sup> Ibidem.

<sup>31</sup> FRANCIS: *Allocutio ad sodales Tribunalis Romanae Rotae* [22.01.2016]..., p. 139.

<sup>32</sup> BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae Romanae* [15.01.2011]..., p. 109.

<sup>33</sup> We shall come back to the thread of legal and pastoral contemplation in the last part of this study.

<sup>34</sup> BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae Romanae* [15.01.2011]..., p. 109.

<sup>35</sup> Ibidem.

<sup>36</sup> GrS, n. 18.

<sup>37</sup> CIC, can. 219: “All the Christian faithful have the right to be free from any kind of coercion in choosing a state of life”; cf. CCCO, can. 22.

<sup>38</sup> H. FRANCESCHI: *Il diritto al matrimonio e la sua protezione nell’ordinamento canonico*. In: “*Iustitia et iudicium*”. *Studi di diritto matrimoniale e processuale canonico in onore di Antoni Stankiewicz*. Vol. 1. Ed. J. KOWAL, J. LLOBELL. Città del Vaticano 2010, p. 309.



a deep meaning in the mentioned papal magisterium is conditioned upon a proper understanding of *ius connubii*.

A valuable testimony of seeking the “key” to an adequate depiction of *ius connubii*, as a system principle of the Church matrimonial and family legislation, is the research work offered by Héctor Franceschi (the previously mentioned expert).<sup>39</sup> The last synthesis of his research in the study entitled *Il diritto al matrimonio e la sua protezione nell’ordinamento canonico* is concluded with the following statement: the study of historical sources of canon law, starting from Decretum Gratiani, through the Decretals of Gregory IX, till contemporary times clearly show a central place of the *ius connubii* principle, both in the system of Catholic Church matrimonial law, and in the application of the said law in particular cases. What it is about here is a principle, which has always been and is present: at the beginning in the *mens auctoritatis* — authority holding a Church office, the responsibility of whom, generally speaking, is for a particular marriage: the same before it is concluded (the entire preparation process with a culmination of allowing the nuptials enter into matrimony), as well as after it has been concluded (here on the one hand pastoral care over families, on the other submitting to judgment of the mentioned authority the issue of validity of marriage).<sup>40</sup>

With reference to the results of the mentioned scientific synthesis it is difficult not to notice that from the historical perspective the entire matrimonial system of the Church seems to be an effort of legitimatizing (not so much limiting but rather giving a guarantee!) by the Church authority a right to enter into a marriage — to some degree in two ways; on the one hand in a consistent presentation of determinants of the very nature of matrimony, on the other, in presenting the sacramental dignity of a matrimonial relation of the baptized. Héctor Franceschi is right when he states that in every case the legal and pastoral authorization/affirmation of *ius connubii* spans two spheres: firstly, the sphere of freedom of young people entering into marriage (the situation before celebration of matrimony), secondly, the sphere of truth about the natural marriage bond, and in the marriage of the baptized — about a bond manifesting authenticity of the sacramental sign (in case of an already concluded marriage).<sup>41</sup>

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<sup>39</sup> What is worth mentioning here is the following monograph: H. FRANCESCHI: *Riconoscimento e tutela dello “ius connubii” nel sistema matrimoniale canonico*. Milano 2004.

<sup>40</sup> H. FRANCESCHI: *Il diritto al matrimonio...*, p. 306.

<sup>41</sup> *Ibidem*, p. 307.

We are free to notice that the sole historical outlook, although instructive,<sup>42</sup> does not give sufficient premises to fully reveal the methodological horizon of the contemporary activity of the Church for the *ius connubii* — especially, taking into consideration easy to notice inertia in the legislative process, that is, reaching the greatly desired and adequate norms of matrimonial canon law. It is about, first and foremost, a centuries-old refraining of the Church legislator from introducing an obligatory canonical form of entering into marriage; such state of matters was introduced not earlier than by the regulations included in *Tametsi*<sup>43</sup> (famous decree of the Council of Trent). Different example: indeed, just, since it refers to the “ecumenical” idea of renewal of the Second Vatican Council, however, pointless in realization were the actions undertaken by the code legislator not to concoct invalidity of marriages of these baptized who do not have a full community with the Church; complicated fate of the regulation no. 1117 CIC,<sup>44</sup> with a well known amendment of October 26, 2009 *in motu proprio* by Benedict XVI *Omnium in mentem*,<sup>45</sup> speak for themselves.<sup>46</sup>

The only thing that is left is to probe further into the issue what, as matter of fact, *ius connubii* is. The methodology of scientific research, owing to which the very nucleus of the answer to this question is unveiled, refers to — and it is a *sine qua non* condition of the reliability of the research — the need of an anthropological study of the foundations of

<sup>42</sup> Here arguments are supplied by, among others, signalized by Héctor Franceschi historical circumstances, such as: (1) in the area of affirmation of freedom — supporting and promoting by the Catholic Church the liturgical form of entering into marriage; clear specification of the nature and importance of impediments to marriage (in order to secure the legal certainty); (2) in the area of affirmation of truth — a valuable historical achievement is the creation, within the frame of Church judiciary, of institutional possibilities of giving binding answers to questions asked by the follower about the validity of the concluded marriages. *Ibidem*, pp. 307—308.

<sup>43</sup> CONCILIIUM TRIDENTINUM: *Decr. “Tametsi”* [11.11.1563]. DS 1813—1816; N. SCHÖCH: *La solennizzazione giuridica della “forma canonica” nel decreto Tametsi del Concilio di Trento. “Antoniano”* 72 (1997), pp. 637—672.

<sup>44</sup> CIC, can. 1117: “The form established above must be observed if at least one of the parties contracting marriage was baptized in the Catholic Church or received into it and has not defected from it by a formal act, without prejudice to the prescripts of can. 1127, § 2.”

<sup>45</sup> PONTIFICIUM CONSILIIUM DE LEGUM TEXTIBUS INTERPRETANDIS: *Litterae circulares mssae omnibus Conferentiis episcopalibus (variis linguis exaratae) quoad verba „actu formali defectionis ab Ecclesia catholica” (cann. 1086 §1, 1117 e 1124 CIC) et quaedam epistulae respicientis ipsarum litterarum*. ComCan 38 (2006), pp. 170—189; see A. PASTWA: *Forma kanoniczna małżeństw mieszanych w świetle motu proprio „Omnium in mentem” i nowszych uregulowań Stolicy Apostolskiej. “Studia Oecumenica”* 11 (2011), pp. 151—171.

<sup>46</sup> Cf. H. FRANCESCHI: *Il diritto al matrimonio...*, p. 306.

matrimonial law. Such research attitude is disclosed in the analyses of the *ius matrimoniale* system by Hector Franceschi, who firmly stands on the ground of anthropological realism, realism which, in turn, leads toward juridical realism.<sup>47</sup> It is suffice to say that the consecutive parts of the above mentioned canonist's study consistently reveal the *clou* of the subject matter issues. Indeed, the very announcing of the consecutive research stages (in the title), demonstrate step by step the segments of the answers to the previously asked question. The jigsaw puzzle of this interesting discourse, assembled together, is as follows: (1) *ius connubii* has content which it deserves, determined by the very nature of a human being, and in case of the baptized — through their status in the Church<sup>48</sup>; (2) *ius connubii* finds its foundation in the complementarity between a man and a woman<sup>49</sup>; (3) concretization of *ius connubii* in the matrimonial system<sup>50</sup> constitutes: (3a) fundamental right of person<sup>51</sup>; (3b) for Catholics — fundamental right of a Christian<sup>52</sup>; (4) *ius connubii* — as an elementary law — is an inalienable, unalterable and permanent law.<sup>53</sup>

To recapitulate we should state that *ius connubii* seems to be the first elementary right of a person and a Christian,<sup>54</sup> *ius fundamentale*, the orig-

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<sup>47</sup> It is easy to discover the idea proximity of the outlook of the author with the thought of Javier Hervada, promoter of an important line in the science of canon law, who perceives the essence of matrimony to be the main domain of contemplation in matrimonial law. This prominent canonist, founder of the School of Navarra, perceives the personalistic realism in the depiction of *essentia matrimonii* as an immanency of law toward the personal reality of matrimony. See J. HERVADA: *Studi sull'essenza del matrimonio*. Milano 2000; see also C.J. ERRAZURIZ MACKENNA: *Essenza del matrimonio e sistema giuridico matrimoniale*. "Apollinaris" 75 (2002), pp. 597—609; F. PUIG: *La esencia del matrimonio a la luz del realismo jurídico*. Pamplona 2004; F. PUIG: *Realismo giuridico e dottrina canonistica contemporanea sull'essenza del matrimonio*. "Ius Ecclesiae" [henceforth: IusEcc] 16 (2004), pp. 433—453.

<sup>48</sup> H. FRANCESCHI: *Il diritto al matrimonio...*, p. 311.

<sup>49</sup> *Ibidem*, p. 315.

<sup>50</sup> *Ibidem*, p. 316.

<sup>51</sup> *Ibidem*, p. 317.

<sup>52</sup> *Ibidem*, p. 319.

<sup>53</sup> *Ibidem*, p. 321.

<sup>54</sup> Cf. K. LÜDICHE: *Kommentar zum c. 1058*. In: *Münsterischer Kommentar zum Codex Iuris Canonici*. Essen (Lfg. December 2013), 1058/2. Let us notice that *ius connubii* as an elementary right of a person and a Christian can be subject exclusively to precisely defined limitations, coherent with the entire system of canonical matrimonial law. The principles of interpreting these limitation can be brought don to three points: (1) In connection with regulation no. 10 of the CIC: "Only those laws must be considered invalidating or disqualifying which expressly establish that an act is null or that a person is effected" — every limitation of right to enter into marriage should be perceived as necessary and exceptional, and as such has to be stipulated by an act; (2) In connection with regulation no. 18 of CIC: "Laws which establish a penalty, restrict the free exercise of

inal content of which was by no means crystallized by the very evolving legal system of the Catholic Church, or even shepherds or Church community, but, first and foremost, the nature of man and woman's marriage, and in the face of the consequences of their baptism — the sacramental dimension of the relationship and realization of the matrimonial vocation. Within this context — as Klaus Lüdicke justly notices — *ius connubii* is a part of the elementary right of all believers to the redemptive means of the Church.<sup>55</sup> Here a subject matter context is delineated by the norms of the Code of Canon Law: “The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments” (can. 213). “Sacred ministers cannot deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them” (can. 843 § 1). Pastors of souls and other members of the Christian faithful, according to their respective ecclesiastical function, have the duty to take care that those who seek the sacraments are prepared to receive them by proper evangelization and catechetical instruction, attentive to the norms issued by competent authority (can. 843 § 2).

When it comes to an adequate presenting of the depiction of *ius connubii* as a system principle it is spelled out by Pedro Juan Viladrich, a valued expert on marriage, one of the most prominent representatives of the “School of Navarra.”<sup>56</sup> The canonist, referring to, among others, John Paul II's ideas in the *Letter to Families*, established that the right to enter into marriage and its concrete realization is a determinant of sovereignty (!) of family.<sup>57</sup> With reference to this constructive thought it is worth to add: perception of *ius connubii* in the spirit of anthropological and legal realism guarantees that the *ius* will not be interpreted as a simple emanation of personal freedom, freedom law — without taking the truth about marriage and family into consideration. Therefore, what seems important is to state precisely: indeed, what we have in mind here is personal elemen-

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rights, or contain an exception from the law are subject to strict interpretation” — limitations of *ius connubii* are subject to strict interpretation, since they limit a free usage of power; (3) In case of any doubt about a fact or the law practical or legal when it comes to person's capability entering into marriage should not be forbidden and its nullity should not be declared — here regulations no. 1084 § 2 and can. 1060 CIC: If the impediment of impotence is doubtful, whether by a doubt about the law or a doubt about a fact, a marriage must not be impeded nor, while the doubt remains, declared null (can. 1084 § 2). Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven (can. 1060).

<sup>55</sup> K. LÜDICKE: *Kommentar zum c. 1058...*, 1058/1.

<sup>56</sup> See footnote no. 47.

<sup>57</sup> P.-J. VILADRICH: *La famiglia sovrana*. *IusEcc* 7 (1995), pp. 539—550.

tary right, however, not depicted individualistically but personalistically.<sup>58</sup> It means that a reference point for updating *ius connubii* remains always a natural “unity of two”<sup>59</sup> — a particular man (baptized) and a particular woman (baptized), with their unique matrimonial and family project (Christian family). The conclusion of the above mentioned study: “*ius connubii*” constitutes the foundation and principle of the matrimonial (canonical) system or an efficient criterion of pastoral activity,<sup>60</sup> should be exclusively referred to such an understanding of the right to enter into marriage.

### Hermeneutical horizon of the *favor matrimonii* principle

In a quite recent commentary by an outstanding expert in matrimonial law Klaus Lüdicke to the wording of can. 1058: “All persons who are not prohibited by law can contract marriage”, from the array of interesting topics,<sup>61</sup> one thread comes to the foreground. According to the German expert the normative opinion about *favor matrimonii* from can. 1060<sup>62</sup> constitutes only a different aspect of *utterance* on *ius connubii* from can. 1058.<sup>63</sup> A propos the logic of “two sides to the coin” stressed in this commentary — let us add: rightly — it is difficult to overlook the fact that the inspiring value of this thought in the contemplation conducted here on the subject of *ius connubii* is hard not to appreciate. It was indirectly mentioned by Saint John Paul II in the famous passages of the 2002 and 2004 Addresses to the Roman Rota. Single articulations from the first and the second address lead toward personalistic foundation of the mentioned

<sup>58</sup> A. PASTWA: *Realism of Personalist Vision of Marriage: Legal-canonical Cogitations*. In: *Personalizmus v procese humanizácie ľudskej spoločnosti*. Ed. P. DANČÁK. Prešov 2014, pp. 343—351.

<sup>59</sup> Obviously, the natural institutional frames of “unity of two” are the derivative of its rooting in nature, so in the sexual structure of person-man and person-woman, in their sexual differentiation and complementarity.

<sup>60</sup> H. FRANCESCHI: *Il diritto al matrimonio...*, p. 323.

<sup>61</sup> In the commentary there are such topics as, among others: (1) history of text (2) right to a church marriage (3) right to enter into marriage and presumption of validity (4) limitations of the right to enter into marriage (5) elementary right of a human being to enter into marriage (6) legal capacity (7) law of Eastern Catholic Churches. K. LÜDICKE: *Kommentar zum c. 1058...*, 1058/1—3.

<sup>62</sup> “Marriage possesses the favor of law; therefore, in a case of doubt, the validity of a marriage must be upheld until the contrary is proven”; cf. CCEO, can. 779.

<sup>63</sup> K. LÜDICKE: *Kommentar zum c. 1058...*, 1058/2.

logics, embedded in the natural law. Such is the situation in the articulation affirming the *favor matrimonii* principle — in a Rotal allocution from 2004: “Indeed, this principle easily transcends the presumption of validity since it shapes from within all the canonical norms on marriage, both substantial and procedural. The *support* of marriage, in fact, must inspire the entire activity of the Church, of Pastors, of the faithful and of civil society: in a word, of all people of good will.”<sup>64</sup> Indeed this teaching should be understood within the context of a similar Papal articulation delivered in 2002 and focused on the title principle of *ius connubii*: “Against the truth of a conjugal bond, it is not right to invoke the freedom of the contracting parties, who, in freely consenting to that bond, were bound to respect the objective demands of the reality of marriage that cannot be altered in the name of human freedom.”<sup>65</sup>

If, following Cardinal Zenon Grocholewski, we shall emphasize the constructiveness and creativeness of such delineated idea, which obviously is the fruit of choosing the personalistic optics (adequate anthropology) in a holistic legal and pastoral outlook on matrimony,<sup>66</sup> then what decides about the strength of the idea message here is the acceptance of the assumptions of “the hermeneutics of renewal in continuity.”<sup>67</sup> Since after all the image of the *favor matrimonii* principle, defined in the post-conciliar papal magisterium, constitutes a confirmation of an unchangeable, though rich canonist tradition:<sup>68</sup> from perceiving matrimony as *res favorabilis* to the contemporary promotion of “the culture of indissolubility.”<sup>69</sup> If so, then what would seem even more natural to function within the nomenclature is the traditional distinction: *favor iuris* “*antecedens*” — *favor iuris* “*consequens*.” It is about denominating a special legal protection, subject to which in the *ius matrimoniale* system are: in the first case — personal (private) freedom of entering into marriage, in the second — indissolubility (*indissolubilitas*) of the matrimo-

<sup>64</sup> JOHN PAUL II: *Allocutio ad Rotam Romanam habita* [29.01.2004]. AAS 96 (2004), pp. 349—350, n. 3.

<sup>65</sup> JOHN PAUL II: *Allocutio ad Romanae Rotae tribunal* [28.01.2002]. AAS 94 (2002), p. 344, n. 7.

<sup>66</sup> Z. GROCHOLEWSKI: *La función del juez en las causas matrimoniales*. “Ius canonicum” [henceforth: *IusCan*] 45 (2005), p. 25.

<sup>67</sup> BENEDICT XVI: *Allocutio ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis* [27.01.2007]..., p. 90.

<sup>68</sup> The justification of *favor matrimonii* can be found in, for example, *Decretales Gregorii P. IX* (X, 4, 5, 7). It is also worth to pay attention to a classic depiction of *favor matrimonii* by Thomas Sánchez: *Favor matrimonii: [...] ita est matrimonii favor: irritum dissolvere ac validum tueri*. T. SÁNCHEZ: *De sancto matrimonii sacramento*. Venetiis 1614, lib. VII, disp. 100, n. 14.

<sup>69</sup> JOHN PAUL II: *Allocutio ad Romanae Rotae tribunal* [28.01.2002]..., p. 344, n. 7.

nial bond and stability (*stabilitas*) of the institution of matrimony.<sup>70</sup> In spite of, at first glance unquestionable, coherence of such construction, a doubt concerning the mutual correlation of referents of both concepts, especially when we take into consideration the historical and idea connotations of such and not different conceptual solutions adapted in the matrimonial law, might appear.

So the first concept: *favor iuris* “*antecedens*,” referring us directly to the semantic sphere of the *ius connubii* principle, evokes in a clear way the promotion of these personal ethic and spiritual values, which connect the conciliar and post-conciliar trend of personalistic thoughts with the matrimonial and family *communio personarum*.<sup>71</sup> It is exactly this regularity that is emphasized by Giuseppe Dalla Torre, the investigator into the mentioned issues. Namely, referring to the imperative of the force connecting the fundamental human and Christian’s rights<sup>72</sup> he aptly delivers a punch line suggesting that, within this perspective, the first part of can. 1060: *matrimonium gaudet favore iuris*, can be easily understood as a general rule (*formula riassuntiva*) of the entire discipline of the substantive matrimonial law, which stimulates and directs the realization of *ius connubii*.<sup>73</sup>

Unfortunately, upon the second concept: *favor iuris* “*consequens*” — which reflects a closer/specific meaning of the *favor matrimonii* principle, to which the legal construction of presumption of marriage validity after expressing matrimonial consent directly refers<sup>74</sup> — there is clearly its

<sup>70</sup> See C.A. RECKERS: *De favore quo matrimonium gaudet in iure canonico*. Romae 1951, pp. 48—50. Let us notice that it would be indicated by the very construction of can. 1060, which, in case of the content, is almost identical with can. 1014 in CIC 1917; there is only a lack of a provision declaring the superiority of *privilegium fidei* over the presumption about the validity of marriage: *salvo praescripto* can. 1127 (*nota bene* content of can. 1127 in CIC 1917 corresponds with the content of can. 1150 in CIC 1983: *In re dubia privilegium fidei gaudet favore iuris*). U. NAVARRETE: *Favore del diritto (favor iuris)*. In: *Nuovo dizionario di diritto canonico*. Ed. C. CORRAL SALVADOR, V. DE PAOLIS, G. GHIRLANDA. Milano 1993, pp. 494—499.

<sup>71</sup> Cf. U. NAVARRETE: *Favore del diritto...*, p. 494.

<sup>72</sup> “All the Christian faithful have the right to be free from any kind of coercion in choosing a state of life.” CIC, can. 219.

<sup>73</sup> G. DALLA TORRE: *Il “favor iuris” di cui gode il matrimonio (cann. 1060 e 1101 § 1)*. In: *Diritto matrimoniale canonico*. Vol. 1. [Studi Giuridici. Vol. 56]. Città del Vaticano 2002, p. 223.

<sup>74</sup> It is about the words of the second part of can. 1060, understood in connection with the instruction presented by can. 1101 § 1: “The internal consent of the mind is presumed to conform to the words and signs used in celebrating the marriage.” See G. DALLA TORRE: *Il valore della presunzione del can. 1101 in una società secolarizzata*. In: *Matrimonio e Sacramento*. [Annali di dottrina e giurisprudenza canonica. Vol. 32]. Città del Vaticano 2004, pp. 64—66.

genetic rooting in the old reistic and institutional outlook on the reality of matrimony (contractualism).<sup>75</sup> It was revealed after the Second Vatican Council by both the opinion of prominent canonists,<sup>76</sup> more or less critical toward the allegedly apersonal or antipersonal profile of this principle, as well as the very works of the CIC Revival Committee on the codification of matrimonial law.<sup>77</sup> Reports from these works published in “Communicationes” indicate (indirectly) toward the activity within the bosom of the “De matrimonio” Study Group of proponents of a thorough review of can. 1014, and it is according to a “personalistic” principle that suggests that presumptions should favour persons and not institutions.<sup>78</sup> What is interesting the mentioned relations do not bring any new information about the constructive polemics with this standpoint — for example, proving erroneousness of basically false contrasting in matrimony of what is personal with what is institutional<sup>79</sup> — therefore, it is difficult to resist the impression that for an effective “neutralization” of postulates set forth by minority it was necessary to resort to the “final” argument. It is a declaration that suggests that despite the fact that the mentioned canon originates in the law of God, it is embedded in this law through the relation with vital attributes of matrimony.<sup>80</sup>

Harmonizing *vetera et nova* within the scope of the discussed *ius matrimoniale* system principles is the work of an outstanding canonist and Roman Rota auditor José Maria Serrano Ruiz. This excellent promoter

<sup>75</sup> See A. PASTWA: *Istotne elementy małżeństwa. W nurcie odnowy personalistycznej*. Katowice 2007, pp. 16—44.

<sup>76</sup> See, for example, B. PRIMETSHOFER: *Pastorale Anfragen an ein kirchliches Eherecht*. “Diakonia” 11 (1980), pp. 263—264; H. PREE: *Die Ehe als Bezugswirklichkeit — Bemerkungen zur Individual- und Sozialdimension des kanonischen Eherechts*. “Österreichisches Archiv für Kirchenrecht” 33 (1982), p. 393.

<sup>77</sup> Cf. J. KOWAL: *Conflitto tra “favor matrimonii” e “favor libertatis”?*. “Periodica de re canonica” 94 (2005), pp. 258—265.

<sup>78</sup> *Quod attinet ad canonem 1014, de favore quo gaudet matrimonium et de consequenti praesumptione validitatis matrimonii in casu dubii, donec contrarium probetur, salvo praescripto can. 1127, etsi opinio, recenter proposita, hanc scilicet praesumptionem esse abolendam cum praesumptiones non institutis, sed personis favere debeant, in coetu fuit considerata, canonem integrum servandum esse visum fuit, non tantum ad praecavendas frequentes incertitudines de statu matrimoniali, sed maxime quia canon non quidem est iuris divini, tamen nititur iure divino circa matrimonii proprietates essentielles* — ComCan 3 (1971), p. 70; cf. also ComCan 3 (1971), pp. 223—224. Janusz Kowal reveals that the ones who voted for the change of the *favor matrimonii* principle toward the *favor personae seu libertatis* principle were: ponens of the mentioned study team Peter Huizing and consultant- member of the team Stephen J. Kelleher. J. KOWAL: *Conflitto tra “favor matrimonii”...*, p. 263.

<sup>79</sup> See A. PASTWA: *Istotne elementy małżeństwa...*, pp. 204—209.

<sup>80</sup> ComCan 3 (1971), p. 70.



of personalism<sup>81</sup> consistently opts to situate the *favor matrimonii* principle — in its both traditional semantic areas: *favor iuris* “*antecedens*” and *favor iuris* “*consequens*” — as part of the personalistically integrated system of matrimonial law. Indeed the evident, on the personal plane, proximity of *feri* and *facto esse* vistas of matrimony — formal reflection of unity of the event of a gift of persons in covenant (matrimonial consent) as well as further dynamics of giving oneself and accepting spouse (matrimonial state)<sup>82</sup> — carries a crucial indicator of the same holistic and personal, that is, embedded in truth about person and its communion dimension, reading of basic fundamentals and norms of *ius matrimoniale*.<sup>83</sup> It turns out that only this perspective allows an adequate and complete image of *favor matrimonii* as a fundamental system principle, referring to the full image of matrimony: sacramental covenant of law — sacramental matrimonial and family community.<sup>84</sup>

The “programme,” according to the Spanish canonist, integration of the *matrimonium in feri* and *matrimonium in facto esse* plains — within the personalistic key — gives, therefore, not only the guarantee of a break-away from the old legalistic and *quasi*-a priori depiction of matrimony. Emphasizing the dignity of a person (with the communion dimension inscribed in its ontic structure), makes it possible to, first and foremost, identify the special legal protection of no longer an abstract institution, but the freedom of persons entering into marriage. It becomes even more

<sup>81</sup> See A. PASTWA: *Istotne elementy małżeństwa...*, pp. 209—275; IDEM: “*Intima personarum et operum coniunctio*” — personalistic profile of José Maria Serrano Ruiz’s idea of canonical matrimony. In: “*Servabo legem tuam in toto corde meo*”. *Księga pamiątkowa dedykowana Księdzu Profesorowi Józefowi Krzywdzie CM, Dyrektorowi Instytutu Prawa Kanonicznego UPJPII z okazji 70. rocznicy urodzin*. Ed. A. ZAKRĘTA, A. SOSNOWSKI. Kraków 2013, pp. 397—410.

<sup>82</sup> J.M. SERRANO RUIZ: *L’ispirazione conciliare nei principi generali del matrimonio canonico*. In: *Matrimonio canonico fra tradizione e rinnovamento*. [Il codice del Vaticano. Vol. 6]. Bologna 1991<sup>2</sup>, p. 78.

<sup>83</sup> It is worth noticing that this integrated image of matrimony verifies the accuracy of Robert Bellarmin’s concept regarding the presence of sacramentality in the matrimonial state: *Coniugii Sacramentum duobus modis considerari potest: uno modo, dum fit; altero modo, dum permanet postquam factum est. Est enim matrimonium simile Eucharistiae, quae non solum dum fit, sed etiam dum permanet, sacramentum est: dum enim coniuges vivunt, semper eorum societas sacramentum est Christi et Ecclesiae*. R. BELLARMIN: *De controversiis*. Venetiis 1721, Tit. 3: *De matrimonio*, controv. 2, c. 6.

<sup>84</sup> As José Maria Serrano Ruiz emphasizes this important determination obliges us to relevant legal and pastoral actions within the scope of preparation for the sacrament of matrimony. Specific pastoral conclusion emerge also from the fact that since in the concluded marriage a crucial attribute of indissolubility has radically person roots, then its existential and dynamic “embodiment” defines the matrimonial and family community of persons. J.M. SERRANO RUIZ: *L’ispirazione conciliare...*, pp. 78—79. Cf. G.L. MÜLLER: *La speranza della famiglia*. Roma 2014, p. 24.

obvious when we assume the simple consequences of the fact that this *par excellence* personal, so rational and free act of love covenant defines both the project of the matrimonial community of fate, as well as the dynamics of transformation of man and woman of a personal and interpersonal character — “wife’s husband” — “husband’s wife” — realized according to this project. In the light of the Second Vatican Council’s teaching the act of matrimonial consent cannot longer be perceived in a different way than as an act of personal development, directed at the good of spouses, offspring, family, Church and universal community.

The conclusion is obvious. *Favor matrimonii* in the role of the principle inspiring all precepts of matrimonial law<sup>85</sup> should be perceived/presented — not only (!) at the level of *favor iuris* “*antecedens*”, but also *favor iuris* “*consequens*” — always within the vista of *ius connubii*. Namely, applying in this (adequate) perspective the *favor matrimonii* principle — equals safeguarding the initial actualization and later developmental dynamics of *ius connubii*<sup>86</sup> in the establishment and existential growth of a precise matrimonial (and family) community of persons. Only understanding of this truth gives a chance to eliminate the temptation of an artificial contraposing of *favor matrimonii* with *favor libertatis*.<sup>87</sup> We can suppose that an authentic legal and pastoral promotion of *favor libertatis* — as an elementary postulate of *ius connubii* — will bear *in concreto* a fruit of respect, observance and effective protection of the matrimonial legal relation, designed and successively realized in the aforesaid freedom. Then the affirmation of dignity and rights of persons pervading the entire Church legal order will find a practical pastoral expression in a clear testimony to the truth, which is really needed by the contemporary world of unstable values.<sup>88</sup>

### *Ius connubii* — right to enter into authentic marriage

*Ius connubii* is part of the elementary right of all followers to the redemptive means of the Church.<sup>89</sup> This thread, mentioned before — let

<sup>85</sup> Cf. JOHN PAUL II: *Allocutio ad Rotam Romanam habita* [29.01.2004]..., pp. 349—350, n. 3

<sup>86</sup> J. I. BAÑARES: *El “favor matrimonii” y la presunción de validez del matrimonio contraído. Comentario al Discurso de Juan Pablo II al Tribunal de la Rota Romana de 29.I.2004*. *IusCan* 2005, pp. 254—255.

<sup>87</sup> Cf. J. KOWAL: *Conflitto tra „favor matrimonii”*..., pp. 269—270.

<sup>88</sup> Cf. J.M. SERRANO RUIZ: *L’ispirazione conciliare*..., pp. 72, 76.

<sup>89</sup> Cf. CIC, can. 213; CCEO, can. 16.

us add: correlate, canonically legitimated,<sup>90</sup> obligation of adequate<sup>91</sup> preparation for marriage — constitutes the best exemplification of the legal and pastoral capacity of the paradigm, which Pope Francis in his first *Address to the Roman Rota* (2014) formulated as the universal principle: “The juridical dimension and the pastoral dimension of the Church’s ministry do not stand in opposition, for they both contribute to realizing the Church’s purpose and unity of action.”<sup>92</sup> It means not less and not more that in the ecclesiastically dangerous<sup>93</sup> area of preparation of the young for marriage — in all three stages: farther, closer and direct (described in the *Familiaris consortio* adhortation) — we should assume in the “programme” the harmony and mutual intermingling of two planes of ecclesiastical activity: pastoral and legal, in the evangelical service to man, family, and the entire human society.

We can even risk to say that in the last statement there is the essence of a currently very desired “strategic” answer of the Church to the expansiveness of “postmodern reality”: in undermining the binding value systems, breaching successive ethical and moral borders, leaving canons of metaphysical understanding of human being to the benefit of giving culture the mandate to create a person, shocking with catchy but also dangerous slogans calling for equality of sex, individual autonomy and individual self-realization — namely, response of the Church to more than visible signs of loss of humans in the contemporary world. dehumanization of culture, crisis of value, crisis of community, crisis of marriage and family.

Let us say directly: an important element of the Church strategy — as a response to the contemporary serious civilizational challenges — is

<sup>90</sup> See CIC, [*Pastoral care and activities preceding concluding marriage*] can. 1063—1072; cf. CCEO, can. 783—789.

<sup>91</sup> With reference to the vital 66th number of the *Familiaris consortio* adhortation, Italian canonist Arturo Cattaneo made an attempt to highlight the aspects of preparation for marriage, which as part of the formation meetings (what is important adapted to the level of the participants) require particular attention: 3.1. *Riscoprire la vera natura del matrimonio*; 3.2. *Chiarire il senso e la portata dell’amore sponsale*; 3.3. *Far comprendere l’indissolubilità come esigenza intrinseca del matrimonio*; 3.4. *Promuovere le virtù che sostengono l’impegno sponsale*; 3.5. *Sposarsi nel Signore per mezzo della Chiesa quale scelta consapevole*; 3.6. *La procreazione responsabile*. A. CATTANEO: *Gli incontri di preparazione al matrimonio: importanza, difficoltà e spunti di soluzione*. In: “*Iustitia et iudicium*”. *Studi di diritto matrimoniale e processuale canonico in onore di Antoni Stankiewicz*. Vol. 1..., pp. 379—385.

<sup>92</sup> FRANCIS: *Allocutio ad omnes participes Tribunalis Romanae Rotae* [24.01.2014]. AAS 106 (2014), p. 89.

<sup>93</sup> “The changes that have taken place within almost all modern societies demand that not only the family but also society and the Church should be involved in the effort of properly preparing young people for their future responsibilities.” FC, n. 66.

the protection and promotion of *ius connubii* (fundamental principle of matrimonial law system and Church pastoral activity) in the troublesome “area” of care for family. It explains why the canonical matrimonial law is focused around the concept of matrimonial consent. If so, then it seems worth to realize that before this consent reaches its final stage of manifestation — in the positive answer to the sacramental question: “Do you take ‘x’ as your lawful wife/husband, to have and to hold, from this day forward, for better or for worse, for richer or for poorer, in sickness and in health, to love and cherish until death do you part?” — it has already gone through the stage of shaping. Therefore, an obvious conclusion: extensive and comprehensive preparation for matrimony should eventually focus on this culminating moment of taking by man and woman a free and responsible act of will in the matrimonial covenant, the fruit of which is the matrimonial and family community of the whole of life.<sup>94</sup>

Therefore, among the criteria of the canonical preparation for matrimony there is one requirement that deserves particular attention: verification of bride and groom’s beliefs regarding the obligations that influence the validity of the matrimonial consent and sacrament. As Benedict XVI teaches, we should never forget that the direct aim of this preparation is leading to entering into true marriage in a free way, which means establishing between spouses a bond of justice and love, which is characterized by unity and indissolubility, takes the good of the spouses into consideration, as well as giving birth and bringing up offspring, and between the baptized constitutes one of the sacraments of New Covenant. It is not about directing an ideological message of external nature toward the bride and groom, nor is it about imposing a cultural model; it is about helping the betrothed discover the truth about the natural inclination and capability to become involved, which are inscribed in their relational being of a man and a woman.<sup>95</sup>

Papal thought touches here upon the very foundation of law. The legal dimension — crucial component of matrimonial relation, depicted as an internal bond of justice between person — man and person — woman — is embedded in the natural potency of spouses to reciprocal personal commitment. Precise familiarization of the bride and groom with this area of issues (as part of the application of the following legal and canonical procedure) helps to avoid a situation, in which superficial relations, as well as sensorial and emotional agitation determine taking imprudent and in the final analysis irresponsible matrimonial decision.

<sup>94</sup> Cf. CIC, can. 1055 § 1; CCEO, can. 776 § 1.

<sup>95</sup> BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae...* [22.01.2011], pp. 110—111.

Here, following Benedict XVI we should conclude: the canonical dimension in the preparation for entering into matrimony is not an element that comes to the foreground. In the premarital preparation courses the legal and canonical issues have a very meager, if not insignificant, contribution. Indeed it is difficult to expect the bride and groom to have precise knowledge about the Church matrimonial law. It is quite normal that the future spouses are interested only in a limited scope in these issues, which are and should stay the domain of specialists. Simultaneously, it is not possible to avoid the truth — and such, general outlook the nuptials are eager to share — about the indispensability of legal actions preceding marriage, the aim of which is to ascertain that “nothing stands in the way of its valid and licit celebration.”<sup>96</sup>

Unfortunately, this outlook very often undergoes a significant change, when from the level of “theory” we have to proceed to “practice.” The examination of spouses, the marriage banns and other opportune means for carrying out the necessary inquiries which are to precede marriage<sup>97</sup> (among others courses for the preparation of marriage canonical) — are often treated as requirements of an exclusively formal character. Benedict XVI notices that the betrothed usually expect that the priest proves magnanimous when it comes to allowing them to enter into marriage, be it because of the natural right of everyone to<sup>98</sup> enter into marriage. Whereas *de matrimonio* truth is indivisible: what does not exist on the one hand is “marriage according to life,” and on the other hand “marriage according to law” (we should once again repeat after the Pope). There is no denying the fact that the contemporary personal-centric<sup>99</sup> image of matrimony (and family) consistently presented by the Church — with highlighting the “perspective of relationality in accordance with justice”<sup>100</sup> and the principle of equality of matrimonial rights<sup>101</sup> — clearly presents the fundamental truth: man and woman taking the matrimonial oath (expressing the act of consent), establish one and the only bond,<sup>102</sup> on which the entire matrimonial and family dynamics of life and love is based.<sup>103</sup>

<sup>96</sup> CIC, can. 1066; cf. CCEO, can. 785.

<sup>97</sup> See CIC, can. 1067; cf. CCEO, can. 784.

<sup>98</sup> Cf. CIC, can. 1058; CCEO, can. 778.

<sup>99</sup> See A. PASTWA: *Il matrimonio: comprensione personalistica e istituzionale*. IusEcc 25 (2013), pp. 387–408

<sup>100</sup> BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae...* [22.01.2011], p. 109.

<sup>101</sup> Cf. CIC, can. 1135; CCEO, can. 777,

<sup>102</sup> Cf. CIC, can. 1134, 1141; CCEO, can. 853; cf. A. PASTWA: “*Vinculum perpetuum*” (*kan. 1134*). In: *Małżeństwo na całe życie?*. Ed. R. SZTYCHMILER, J. KRZYWKOWSKA. Olsztyn 2011, pp. 219–236.

<sup>103</sup> BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae...* [22.01.2011], p. 109.

If we, therefore, accept the fact that the legal aspect is internally connected with the essence of matrimony,<sup>104</sup> it becomes clear why the canonical and pastoral preparation for entering into marriage puts in the center of attention the act of matrimonial consent (ecclesiastical act) and tied by the means of this act legal bond (home Church),<sup>105</sup> however the richness of community of the whole of life undoubtedly gives rise to a variety of approaches.<sup>106</sup>

That is how we arrive at the culminating point in the quoted 2011 Rotal address. Benedict XVI, exposing the pretense (and falsehood) of excusing oneself with natural law, in order not to treat seriously the suggested canon law procedures, reminds — not only to the Church judiciary workers, but also all priests — the binding interpretation of can. 1058 CIC: “The right to marry, *ius connubii*, must be seen in this perspective. In other words it is not a subjective claim that pastors must fulfill through a merely formal recognition independent of the effective content of the union. The right to contract marriage presupposes that the person can and intends to celebrate it truly, that is, in the truth of its essence as the Church teaches it. No one can claim the right to a nuptial ceremony. Indeed the *ius connubii* refers to the right to celebrate an authentic marriage.”<sup>107</sup>

Therefore, where is the most frequent source of an unconscientious, pseudo-pastoral approach to fulfilling the assumptions of *ius connubii*? It is a misunderstanding to talk about denying this fundamental subject law in a situation when there are not any conditions for its realization, namely when a person/persons obviously lack capability needed to enter into marriage or if the matrimonial intention, so the purpose connected with the betrothed’s aim is out of line with the natural reality of matrimony.<sup>108</sup>

<sup>104</sup> “[...] the Church’s tradition clearly affirms the natural juridical character of marriage, that is, the fact that it belongs by nature to the context of justice in interpersonal relations”. BENEDICT XVI: *Allocutio ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis* [27.01.2007]..., p. 90.

<sup>105</sup> JOHN PAUL II: *Allocutio ad Sacrae Romanae Rotae Tribunalis Praelatos Auditores, Officiales et Advocatos coram admissos* [28.01.1982]..., pp. 450—451, n. 4.

<sup>106</sup> It does not change the fact that: “Preparation for marriage, in its various phases described by Pope John Paul II in the Apostolic Exhortation *Familiaris Consortio* (22 November 1981), certainly has aims that transcend the juridical dimension because its horizon is constituted by the integral, human and Christian, good of the married couple and of their future children (cf. n. 66), aimed definitively at the holiness of their life (cf. CIC, can. 1063 n. 2)”. BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae...* [22.01.2011], p. 110.

<sup>107</sup> *Ibidem*, pp. 109—110.

<sup>108</sup> “La Chiesa non rifiuta la celebrazione delle nozze a chi è bene dispositus, anche se imperfettamente preparato dal punto di vista soprannaturale, purché abbia la retta intenzione di sposarsi secondo la realtà naturale della coniugalità.” JOHN PAUL II: *Allocutio ad Romanae Rotae iudices* [30.01.2003]. AAS 95 (2003), p. 397, n. 8.

Therefore, the Pope suggests to introduce, with due diligence, a programme of preparation for marriage: farther, closer and direct; additionally, regarding the last stage of preparation — meticulously fulfill the service concerning the betrothed's examination, and make sure that all necessary legal and pastoral activities are fulfilled before concluding the marriage.<sup>109</sup>

What we touch upon here is an issue of a fundamental meaning, especially today, in the times of a deep crisis that the institution of matrimony and family goes through.<sup>110</sup> Since, the aim of this legal procedure is highlighting the character of the project planned by the betrothed, whether it is authentically “matrimonial” and characterized by healthy realism.<sup>111</sup> It is, first and foremost, about making sure that, in a particular case, there is nothing in the way of a valid and decent entering into marriage. Here a very important apposition: “lega” means anything but “formalistic”, in the understanding of a bureaucratic activity, consisting exclusively in filling a questionnaire and answering routine questions.<sup>112</sup> Cracking down on this stereotype, the constructive and clear papal teaching does not require commentary: “[...] the dialogue, always conducted separately with each of the engaged pair without lessening the possibility of further conversations with the couple — requires an atmosphere of full sincerity in which stress should be put on the fact that the contracting parties themselves are those first concerned and first obliged in conscience to celebrate a valid marriage”<sup>113</sup> and — let us add - to realize own original *ius connubii*. We are talking here — Benedict XVI delivers a conclusion — about “a unique pastoral opportunity — one to be made the most of with the full seriousness and attention that it requires — in which, through a dialogue full of respect and cordiality, the pastor seeks to help the person to face seriously the truth about himself or herself and about his or her own human and Christian vocation for marriage.”<sup>114</sup>

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Pope Francis inscribes himself these days in such magisterial context with his optimistically sounding announcement of getting through to young people with a new form of “matrimonial catechumenate.” So char-

<sup>109</sup> Cf. BENEDICT XVI: *Allocutio ad sodales Tribunalis Rotae...* [22.01.2011], p. 110.

<sup>110</sup> See W. GÓRALSKI, A. PASTWA: *Rodzina suwerenna — Kościół domowy. W nurcie współczesnej myśli prawnej Kościoła powszechnego i Kościoła w Polsce*. Katowice 2015.

<sup>111</sup> JOHN PAUL II: *Allocutio ad Romanae Rotae praelatos auditores* [27.01.1997]. AAS 89 (1997), p. 488, n. 4.

<sup>112</sup> BENEDICT XVI, *Allocutio ad sodales Tribunalis Rotae...* [22.01.2011], p. 111.

<sup>113</sup> Ibidem.

<sup>114</sup> Ibidem.

acteristic for the current pontificate sense of sensitivity to “the signs of times” prompts the current highest Shepherd and Legislator to make sure that the Church message addressed to the young is focused on beautifully natural reality of matrimony and family, with their inseparable transcendental dimension. What has to serve this ambitious goal — in the face of blatant pluralism of individual “projects” of realization of *ius connubii* — is: both Francis’ invitation of the world of canon law to extend an idea/programme support for the planned reform (the subject matter of the recent Rotal addresses proves that more than enough), as well as the direct address of the Pope to parish priests, pastoral workers and workers of institutions responsible for pastoral care of families (and it is at the level of “all Church structures”<sup>115</sup>), so that the results of their engagement can be “the preparatory programs for the sacrament of marriage ever more effective, not only for human growth, but above all for the faith of the engaged couple.”<sup>116</sup> The fundamental objective “of a true catechuminate of future spouses”<sup>117</sup> has been already delineated: “helping engaged couples to know and live the reality of marriage which they intend to celebrate, in order that they may be able to do so not only validly and lawfully, but also fruitfully, and that they may be willing to make this celebration a stage on their journey of faith.”<sup>118</sup>

<sup>115</sup> FRANCIS: *Allocutio ad sodales Tribunalis Romanae Rotae* [22.01.2016]..., p. 139.

<sup>116</sup> FRANCIS: *Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year* [21.01.2017]...

<sup>117</sup> FRANCIS: *Address to participants in the course on the marriage process* [25.02.2017]...

<sup>118</sup> FRANCIS: *Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year* [21.01.2017]... “In order to achieve this, there is a need for people with specific abilities and appropriate preparation in this service, wherein there is a favourable synergy between priests and married couples.” *Ibidem*

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ANDRZEJ PASTWA

## *Ius connubii* Today — Legal and Pastoral Perspective

### Summary

The inspirations that originate from the papal magisterium suggest — in the study of this important and timely topic — contemplation of the following issues: firstly a glance at *ius connubii* as a system principle, then taking note of *iunctim* two principles of matrimonial law: *ius connubii* and *favor matrimonii*, finally highlighting the implications of recognition of the right to enter into an authentic marriage in *ius connubii*. We are free to accept that Pope Francis inscribes himself these days in such magisterial context with his optimistically sounding announcement of getting through to young people with a new form of “matrimonial catechumenate.” So characteristic for the current pontificate sense of sensitivity to “the signs of times” prompts the current highest Shepherd and Legislator to make sure that the Church message addressed to the young is focused on beautifully natural reality of matrimony and family, with their inseparable transcendental dimension. What has to serve this ambitious goal — in the face of blatant pluralism of individual “projects” of realization of *ius connubii* — is: both Francis’ invitation of the world of canon law to extend an idea/program support for the planned reform (the subject matter of the recent Rotal addresses proves that more than enough), as well as the direct address of the Pope to parish priests, pastoral workers and workers of institutions responsible for pastoral care of families (and it is at the level of “all structures of the Church” — *Address to the Roman Rota*, 2016), so that the results of their engagement can be “more and more effective [...] programs of preparation to the sacrament of matrimony, for the development of not only people but, first and foremost, of the faith of the betrothed” (*Address to the Roman Rota*, 2017). The fundamental aim of “matrimonial catechumenate” has been already defined: “helping the betrothed to get to know the reality of marriage, which they desire to enter into — and to live this reality — to help them make it happen not only in a valid and coherent with the law way, but also fruitful, and to help them to be ready to treat marriage as a stage of their way of faith” (*Ibidem*).

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Lo *Ius connubii* oggi — prospettiva giuridico-pastorale

## Resume

Les inspirations découlant du magistère papal suggèrent — dans l'examen du présent sujet important et actuel — de réfléchir sur les questions suivantes: en premier lieu, traiter *ius connubii* comme le principe de système, ensuite apercevoir *iunctim* de deux principes du droit matrimonial: *ius connubii* et *favor matrimonii*, enfin, mettre en relief l'implication de reconnaître dans *ius connubii* le droit de conclure un mariage authentique. Il est permis de dire que dans un tel contexte s'inscrit aujourd'hui le pape François avec son annonce optimiste visant à aboutir aux jeunes gens avec une nouvelle forme de «catéchuménat matrimonial». Le sens de sensibilité aux «signes du temps», tellement caractéristique du pontificat actuel, suggère au Pasteur Suprême et Législateur actuel que le message ecclésiastique adressé aux jeunes soit focalisé sur la beauté de la réalité naturelle du mariage et de la famille, y compris leur dimension transcendante inséparable. Pourtant, ce qui doit servir cet objectif ambitieux — face au pluralisme, se jetant aux jeux, de «projets» individuels de la réalisation de *ius connubii* — ce sont: l'invitation, lancée par le pape François, du monde de la canonistique à prêter son assistance d'idées/ de programme à la réforme planifiée (la thématique des récents discours de la Rote en témoigne fort remarquablement), et aussi le fait que le pape s'adresse directement aux curés, aux employés liés à la prêtrise et aux institutions responsables de la prêtrise des familles (et c'est au niveau de «toutes les structures de l'Église» — Discours à la Rote romaine, 2016) pour que le résultat de leur engagement deviennent «les programmes de plus en plus efficaces de la préparation au mariage, à la croissance non seulement humaine, mais avant tout celle des fiancés» (Discours à la Rote romaine, 2017). L'objectif fondamental du «catéchuménat matrimonial» a déjà été indiqué: «aider les fiancés à connaître la réalité du mariage qu'ils projettent de conclure — et de la vivre — pour qu'ils puissent le faire non seulement d'une façon importante et conforme à la loi, mais aussi fructueuse, et qu'ils soient prêts à traiter le mariage comme une étape de leur chemin de foi» (ibidem).

**Mots clés:** système du droit conjugal canonique, principe *ius connubii*, principe *favor matrimonii*, préparation au mariage, nouveau «catéchuménat matrimonial»

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Lo *Ius connubii* oggi — prospettiva giuridico-pastorale

## Sommario

Le ispirazioni che scaturiscono dal magistero pontificio suggeriscono — nell'elaborazione del presente argomento importante ed attuale — di riflettere sulle questioni seguenti: prima vedere lo *ius connubii* come principio sistemico, poi notare lo *iunctim* dei due principi del diritto matrimoniale: *ius connubii* e *favor matrimonii*, infine evidenziare

l'implicazione del riconoscimento nello *ius connubii* del diritto di celebrare un matrimonio autentico. È lecito assumere che proprio in un simile contesto magisteriale si iscrive oggi papa Francesco con il suo annuncio dal suono ottimistico di arrivare ai giovani con la nuova forma di “catecumenato matrimoniale”. Questa sensibilità ai “segni del tempo”, così caratteristica per l'attuale pontificato, suggerisce all'attuale Pastore e Legislatore supremo che il messaggio ecclesiastico indirizzato ai giovani venga focalizzato sulla bellezza della realtà naturale del matrimonio e della famiglia con la loro inscindibile dimensione trascendente. A tale scopo ambizioso — dinanzi al pluralismo lampante dei “progetti” individuali di realizzazione dello *ius connubii* — devono servire: sia l'invito di Francesco al mondo della canonistica ad impartire il sostegno ideologico/programmatico della riforma prevista (lo dimostra persino in modo oltremodo chiaro la tematica delle ultime allocuzioni rotali), sia il rivolgersi del papa direttamente ai parroci, a coloro che lavorano nella pastorale e nelle istituzioni responsabili della pastorale delle famiglie (e cioè a livello di “tutte le strutture della Chiesa” — Allocuzione alla Rota Romana, 2016), affinché il risultato del loro impegno siano gli “itinerari sempre più efficaci di preparazione al sacramento del matrimonio, per la crescita non solo umana, ma soprattutto della fede dei fidanzati” (Allocuzione alla Rota Romana, 2017). Lo scopo essenziale del “catecumenato matrimoniale” è stato già delineato: “aiutare i fidanzati a conoscere e a vivere la realtà del matrimonio che intendono celebrare, perché lo possano fare non solo validamente e lecitamente, ma anche fruttuosamente, e perché siano disponibili a fare di questa celebrazione una tappa del loro cammino di fede” (ibidem).

**Parole chiave:** sistema del diritto canonico matrimoniale, principio dello *ius connubii*, principio del *favor matrimonii*, preparazione al matrimonio, nuovo “catecumenato matrimoniale”



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## Resolution in Favour of Marriage — an Oppressive Relic of the Past? The *favor matrimonii* Principle in Contemporary Law

**Key words:** marriage, durability of marriage, divorce, matrimonial law

Although the *favor matrimonii* principle, that is, ‘favour for marriage’, does not occur *expressis verbis* in contemporary legal documents, it is more and more often criticised for being an oppressive rule which deprives the human being of their freedom and imprisons them in the chains of an unwanted relationship. In secular law it is manifested, for example, in postulates to liberalise divorce premises and in requests to grant rights — which are attributable to marriage — to other forms of interpersonal relations. In canon law science some opinions are expressed against “favouring” the institution of marriage and demanding — in cases of doubt as to the validity of matrimonial consent — being in favour of personal freedom, and, first of all, in favour of freedom to enter into another marriage. Apart from exposing the *favor libertatis* or *favor personae* principles, in the tendency critical towards *favor matrimonium* there is a position recognising the primacy of *ius connubi*, or questioning the presumption of marriage validity based on the *salus animarum* argument.

Therefore, the question should be asked whether the *favor matrimonii* principle has not become a relic of the past? Does it still preserve its validity in the contemporary normative dimension? Is marriage durability of value, and is marriage treated in such a perspective in the contemporary

legal dimension? The answer to those questions will be sought by reaching out to the analysis of the provisions of canon law and secular law.

## 1. Canon law

The analysis of the provisions of the Code of Canon Law formulated by John Paul II shows clearly that the legislator covers the institution of marriage with special care. Undoubtedly, the reason for which marriage holds a privileged position in the canon legal order is its social importance and its sacramental dimension. Entering into marriage cannot come down only to purely personal and private relations between spouses, since marriage initiating the family constitutes the foundation of society, whereas raised to sacramental dignity, it means indissoluble community, distinguished from any other human relations.

In accordance with canon doctrine, the *favor matrimonii* principle, which treats marriage in a privileged way, includes a purely private dimension, referring to the freedom of entrance into marriage (*favor matrimonii antecedes*), and an institutional dimension, referring to the validity of marriage and the certainty of its condition (*favor matrimonii consequens*). The *favor matrimonii* principle, meaning favour for marriage, is often based on the *favor iuris* principle, relating to presumptions (*praesumptio*).<sup>1</sup>

### 1.1. *Favor matrimonii antecedes*

The *favor matrimonii antecedes* principle, consisting in protecting the freedom of contracting a marriage, refers to the constitutive moment of marriage and is expressed in norms facilitating its establishment. The right to enter into marriage (*ius connubii*) is one of the most fundamental and inalienable human rights, resulting from human dignity, which is secured by canon legal order, thereby reducing to the minimum the interference of an ecclesiastical legislator limiting the freedom of the bride and groom.<sup>2</sup>

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<sup>1</sup> See L. ŚWITO: *Zasada „favor matrimonii” w Kodeksie Prawa Kanonicznego z 1983 r.* In: L. ŚWITO, M. TOMKIEWICZ (eds.), *Favor matrimonii? Teoria i praktyka*. Olsztyn 2014, pp. 59—70.

<sup>2</sup> W. GÓRALSKI: *Studia nad małżeństwem i rodziną*. Warszawa 2007, pp. 173—194.



This principle is expressed, first of all, in Canon 219 of the Code of Canon Law, which states that all faithful have the right to be free from any constraint in the selection of the state in life, and Can. 1058 of the Code of Canon Law, which states that marriage can be entered into by everyone unless it is prohibited by law. Limitations in exercising the right to enter into marriage introduced by the ecclesiastical legislator are always exceptional and they require a clear legislative disposition,<sup>3</sup> since they concern circumstances regarded by the ecclesiastical legislator as incompatible with the acceptance of the state of married life, taking into account personal, church and social reasons, and particularly the protection of the essential value of the institution of marriage itself, as well as the care of the souls' salvation (*salum animarum*).<sup>4</sup> Limitations to exercise the right to marriage include, first of all, diriment marriage impediments,<sup>5</sup> requirements put to matrimonial consent,<sup>6</sup> the necessity to keep a canonical form,<sup>7</sup> and also prohibitions resulting from Can. 1071 of the Code of Canon Law, which are effective, however, only on pain of sanctions as a result of base acts in marriage.<sup>8</sup> Some of the limitations mentioned are of an absolute nature;

<sup>3</sup> Can. 1075 CIC: “§ 1. It is only for the supreme authority of the Church to declare authentically when divine law prohibits or nullifies marriage. § 2. Only the supreme authority has the right to establish other impediments for the baptized”. Translator's note: the excerpts of the Code of Canon Law are quoted from: [http://www.vatican.va/archive/ENG1104/\\_INDEX.HTM](http://www.vatican.va/archive/ENG1104/_INDEX.HTM), access: 1 June 2018.

<sup>4</sup> MONETA: *Il diritto al matrimonio (can. 1058)*. In: P. BONNET, C. GULLO (eds.), *Diritto matrimoniale canonico*, Vol. 1. Vatican 2002, p. 192.

<sup>5</sup> Age impediments (Can. 1083 § 1 CIC), impotence to have intercourse (Can. 1084 § 1 CIC), bond of a prior marriage (Can. 1085 § 1 CIC), different faith (Can. 1086 § 1 CIC), sacred orders (Can. 1087 CIC), public perpetual vow of chastity (Can. 1088 CIC), abduction (Can. 1089 CIC), bringing about the death of a spouse (Can. 1090 CIC), consanguinity (Can. 1091 CIC), affinity (Can. 1092 CIC), public propriety (Can. 1093 CIC), kinship by way of legal relationship (Can. 1094 CIC).

<sup>6</sup> Can. 1057 CIC.

<sup>7</sup> Can. 1108 CIC: “§ 1. Only those marriages are valid which are contracted before the local ordinary, pastor, or a priest or deacon delegated by either of them, who assist, and before two witnesses according to the rules expressed in the following canons and without prejudice to the exceptions mentioned in Cann. 144, 1112, § 1, 1116, and 1127, §§ 1–2 [Translator's note: the Polish version of the canon refers to exceptions made in 1127, §§ 2–3]. § 2. The person who assists at a marriage is understood to be only that person who is present, asks for the manifestation of the consent of the contracting parties, and receives it in the name of the Church.”

<sup>8</sup> Can. 1071 CIC: “§ 1. Except in a case of necessity, a person is not to assist without the permission of the local ordinary at: 1/ a marriage of transients; 2/ a marriage which cannot be recognized or celebrated according to the norm of civil law; 3/ a marriage of a person who is bound by natural obligations toward another party or children arising from a previous union; 4/ a marriage of a person who has notoriously rejected the Catholic faith; 5/ a marriage of a person who is under a censure; 6/ a marriage of

however, the vast majority of prohibitions may be repealed by means of a dispensation or a permit. The possibility of obtaining a dispensation from the limitations in contracting a marriage is undoubtedly the expression of the *favor matrimonii antecedens* principle.

## 1.2. *Favor matrimonii consequens*

The *favor matrimonii consequens* principle expresses an even more privileged position of marriage in the Code of John Paul II of 1983, expressed in the norms which protect an existing marriage. They may become legal presumptions<sup>9</sup> or regulations directly ordering the protection of marriage.

Marriage protection by means of presumptions, that is, legal arrangements which constitute the criterion of recognising the validity of marriage without any need to prove it, relates to the *favor iuris* principle. They set a formal marriage in a privileged position and order the regarding of it as valid until the contrary is proven. The presumptions occurring in canon matrimonial law are there to protect against entering into invalid marriages and to guarantee the stability and durability of already existing marriages.

The basic norm protecting an existing marriage by means of presumption is Can. 1060 of the Code of Canon Law, which states that law favours marriage (*favor iuris*), and that is why, in case of doubt, the validity of a marriage must be upheld until the contrary is proven. Marriage invalidity is proven according to norms indicated by canon procedural law. *Favor matrimonii consequens* is thus expressed in the fact that if marriage has an external form of celebration, it is considered valid, and thus applicable, regardless of whether it was celebrated in an ordinary or an extraordinary canon form. It is important that both parties — pursuant to Can. 1101 § 1 of the Code of Canon Law — express in words or by means of signs their consent to enter into marriage. The lack of consent between the externalised intention to enter into marriage and the internal will does not cause marriage invalidity until the contrary is proven, since law

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a minor child when the parents are unaware or reasonably opposed; 7/ a marriage to be entered into through a proxy as mentioned in Can. 1105. § 2. The local ordinary is not to grant permission to assist at the marriage of a person who has notoriously rejected the Catholic faith unless the norms mentioned in Can. 1125 have been observed with necessary adaptation.”

<sup>9</sup> Namely, presumptions which the law itself establishes (*praesumptio iuris*) in contrast to human presumptions (*praesumptio hominis*) which a judge formulates (Can. 1584 CIC).

always has to protect legal activities performed formally, because without them the certainty of legal transactions would be undermined.<sup>10</sup>

The application of Can. 1060 of the Code of Canon Law, expressing the favour of law for formal marriage, regardless of the actual situation, is included in Can. 1107 and Can. 1086 § 3 of the Code of Canon Law. Can. 1107 of the Code of Canon Law states the presumption of matrimonial consent validity in the situation when the bride and groom are affected by some diriment impediment or if a canon form of marriage was not adhered to,<sup>11</sup> whereas Can. 1086 § 3 of the Code of Canon Law presumes the validity of marriage entered into with an impediment of a different religion.<sup>12</sup>

A legal presumption protecting an existing marriage also occurs in Can. 1061 § 2 and Can. 1152 § 2 of the Code of Canon Law. Can. 1061 § 2 of the Code of Canon Law states the presumption of consummating a marriage if spouses live together<sup>13</sup>, which strengthens the stability and durability of marriage, since after the parties start to live together, marriage should be regarded as absolutely indissoluble. And thus, when potentially applying for a *super rato* papal dispensation it would first be necessary to invalidate the established presumption. On the other hand, Can. 1152 § 2 of the Code of Canon Law protects the durability of marital relations, which, as a result of the adultery of one of the spouses, qualifies for permanent separation. If the innocent spouse observes conjugal living for six months from the moment of learning about the other spouse's adultery, it is presumed that a cause for separation has ceased to exist.<sup>14</sup>

Apart from the above-mentioned legal presumption, the Code of John Paul II also includes other provisions which order the protection of marriage and secure the durability and stability of marriage. The expression of protection of an existing marriage is Can. 1085 § 2 and Can. 1707 § 1 of the Code of Canon Law, introducing the necessary requirements which

<sup>10</sup> Can. 1101 § 2 CIC.

<sup>11</sup> Can. 1107 CIC: "Even if a marriage was entered into invalidly by reason of an impediment or a defect of form, the consent given is presumed to persist until its revocation is established."

<sup>12</sup> Can. 1086 § 3 CIC: "If at the time the marriage was contracted one party was commonly held to have been baptized or the baptism was doubtful, the validity of the marriage must be presumed according to the norm of Can. 1060 until it is proven with certainty that one party was baptized but the other was not."

<sup>13</sup> Can. 1061 § 2 CIC: "After a marriage has been celebrated, if the spouses have lived together consummation is presumed until the contrary is proven."

<sup>14</sup> Can. 1152 CIC: "Tacit condonation exists if the innocent spouse has had marital relations voluntarily with the other spouse after having become certain of the adultery. It is presumed, moreover, if the spouse observed conjugal living for six months and did not make recourse to the ecclesiastical or civil authority."

need to be met in order to enter into another marriage, when the previous one has been contracted invalidly<sup>15</sup> or if a spouse is missing.<sup>16</sup> On the other hand, the durability and stability of a marriage is secured by the provision of Can. 1122 of the Code of Canon Law, which orders the inscription of the marriage contracted in the marriage and baptism registers<sup>17</sup>, and the provision of Can. 104 of the Code of Canon Law, which obliges spouses to live together,<sup>18</sup> and also the provision of Can. 112 § 1 of the Code of Canon Law, entitling the change of a ritual when entering into marriage or during marriage, without the need to obtain a rescript from the Apostolic See.<sup>19</sup>

Protection of marriage durability is also secured in the norms of canon procedural law.<sup>20</sup> The provisions of Can. 1674 and Can. 1675 of the Code of Canon Law prohibit appealing the validity of marriage by persons other than living spouses or a promoter of justice. Similarly, the protection of marriage durability is stipulated in the provision of Can. 1433 of the Code of Canon Law, which imposes the obligation of the participation — on pain of nullity of the sentence — of the defender of the bond for cases concerning the nullity of marriage,<sup>21</sup> whose obligation is to propose and present everything which in a rational way can be

<sup>15</sup> Can. 1085 § 2 CIC: “Even if the prior marriage is invalid or dissolved for any reason, it is not on that account permitted to contract another before the nullity or dissolution of the prior marriage is established legitimately and certainly.”

<sup>16</sup> Can. 1707 § 1 CIC: “Whenever the death of a spouse cannot be proven by an authentic ecclesiastical or civil document, the other spouse is not considered free from the bond of marriage until after the diocesan bishop has issued a declaration of presumed death.”

<sup>17</sup> Can. 1122 CIC: “§ 1. The contracted marriage is to be noted also in the baptismal registers in which the baptism of the spouses has been recorded. § 2. If a spouse did not contract marriage in the parish in which the person was baptized, the pastor of the place of the celebration is to send notice of the marriage which has been entered into as soon as possible to the pastor of the place of the conferral of baptism.”

<sup>18</sup> Can. 104 CIC: “Spouses are to have a common domicile or quasi-domicile; by reason of legitimate separation or some other just cause, both can have their own domicile or quasi-domicile.”

<sup>19</sup> Can. 112 § 1 CIC: “After the reception of baptism, the following are enrolled in another ritual Church *sui iuris*: 1/ a person who has obtained permission from the Apostolic See; 2/ a spouse who, at the time of or during marriage, has declared that he or she is transferring to the ritual Church *sui iuris* of the other spouse; when the marriage has ended, however, the person can freely return to the Latin Church.”

<sup>20</sup> R. SOBAŃSKI: “Ochrona małżeństwa w kanonicznym prawie procesowym.” *Prawo Kanoniczne* 52(2009) Issues 3—4, pp. 155—171.

<sup>21</sup> Can. 1433 CIC: “If the promoter of justice or defender of the bond was not cited in cases which require their presence, the acts are invalid unless they actually took part even if not cited or, after they have inspected the acts, at least were able to fulfill their function before the sentence.”

referred to against the nullity or dissolution of marriage.<sup>22</sup> On the other hand, to recognise and deliver a judgement in a case concerning the nullity of marriage, the participation of not only one judge is required — as in ordinary cases — without a collegiate tribunal.<sup>23</sup>

An important norm of the procedural law expressing the *favor matrimonii consequens* principle is also Can. 1643 of the Code of Canon Law, which states that cases concerning the state of persons, not excluding cases concerning spouses' separation, are never transferred into the *res judicata* state. The consequence of that code norm is thus Can. 1644 of the Code of Canon Law enabling the undermining of each final judgement stating marriage invalidity by bringing in new serious evidence or arguments.<sup>24</sup>

Last but not least, and important from the point of view of the *favor matrimonii consequens* principle, are also provisions enabling convalidation of a marriage which was contracted invalidly, due to a diriment impediment, lack of consent or failure to preserve a canonical form.<sup>25</sup> The remedying of a defectively contracted marriage may be done — after prior removal of an impediment — in an ordinary and an extraordinary way. In the case of ordinary convalidation, it is necessary to renew the consent, without the necessity to apply a canonical form again. In such cases, the effects of marriage exist *ex nunc*, that is, from the moment the marriage becomes valid. On the other hand, extraordinary convalidation, that is, radical sanation, consists in recognition, by the act of authority of a diocesan bishop, of the previously celebrated invalid marriage. In such cases the legal effects of marriage *ex tunc* are recognised, that is, from the moment of celebrating the sanated marriage.<sup>26</sup>

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<sup>22</sup> One should not forget that a defender of the bond should also act *pro rei veritate* and if (s)he is unable to bring forth reasonable arguments against the declaration of nullity, s(he) cannot present irrelevant, i.e. irrational arguments. According to Thomas Sanchez, if a marriage is valid, it should be protected, but in other cases the spouses cannot be ordered to live in an invalid union, which also constitutes *favor matrimonii* (“Hic est matrimonii favor: irritum dissolvere ac validum tueri”).

<sup>23</sup> Can. 1425 § 1 CIC.

<sup>24</sup> T. PIERONEK: “Nova causae propositio.” *Forum iuridicum* 1(2002), pp. 243—252.

<sup>25</sup> Can. 1156—1165 CIC.

<sup>26</sup> T. PAWLUK: *Prawo kanoniczne według Kodeksu Jana Pawła II*. Tom 3: *Prawo małżeńskie*. Olsztyn 1996, pp. 228—240.

## 2. Secular law

The *favor matrimonii* principle can also be found in contemporary secular law. The principle of adjudicating in favour of marriage was applied in the Hague Convention of 1977 on the Celebration and Recognition of the Validity of Marriages, the provisions of which were structured in such a way as to ensure recognition of the validity of as many marriages as possible. In contemporary private international law the *favor matrimonii* principle can be found in Art. 49 § 2 of International Private Law, which provides recognition, in the Republic of Poland, of the formal validity of marriages contracted by Polish citizens or by foreigners abroad, in accordance with local law or *lex patriae* of the parties. This principle can also be referred to Art. 48 of International Private Law, which imposes on a Polish court adjudicating in cases concerning the nullity of foreigners' marriage the obligation to take into consideration the issue of the compliance of the *lex patriae* of the party with the fundamental principles of the legal order of the Republic of Poland.<sup>27</sup>

In Polish family law the *favor matrimonii* rule was applied straightforwardly in the Decree of 3 February 1947, through which the validity of marriages contracted by Polish citizens in a civil form in the USSR and in a religious form or *solo consensu* before liaison officers or camp commanders on the territory of the Third Reich was recognised.<sup>28</sup> In the current provisions of family law the principle under discussion can be perceived in Art. 17 of the Family and Guardianship Code, which allows the possibility of annulling a marriage only in cases clearly provided for in the act, and in the possibility of convalidating a marriage contracted despite an existing impediment.

The reason for invalidating a marriage can be marital impediments resulting from Polish law, failure to meet the requirements posed by a proxy, and some declarations of will. Therefore, in the following cases it is possible to apply for marriage annulment: age impediments,<sup>29</sup> incapacitation impediments,<sup>30</sup> mental disease impediments,<sup>31</sup> bigamy impediments,<sup>32</sup>

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<sup>27</sup> See K. PIETRZYKOWSKI: *Zawarcie małżeństwa i przesłanki jego ważności w prawie międzynarodowym prywatnym*. Warszawa 1985, pp. 126—127.

<sup>28</sup> *Ibidem*.

<sup>29</sup> The Polish Family and Guardianship Code (KRO), Art. 10 § 1.

<sup>30</sup> KRO, Art. 11 § 1.

<sup>31</sup> KRO, Art. 12 § 1.

<sup>32</sup> KRO, Art. 13 § 1.

parentage and affinity impediments,<sup>33</sup> adoption impediments,<sup>34</sup> state excluding conscious expression of the will to marry,<sup>35</sup> mistake as to the persons,<sup>36</sup> threat,<sup>37</sup> an impediment concerning power of attorney.<sup>38</sup>

Convalidation of an invalid marriage is possible in the situation when the required age is achieved,<sup>39</sup> incapacitation is revoked,<sup>40</sup> an adoption relation is dissolved,<sup>41</sup> when the other marriage loses the feature of bigamy due to the fact that the first marriage ceased as a result of the death of the spouse being a bigamist.<sup>42</sup>

The said *favor matrimonii* principle constitutes a superior interpretation directive manifested in the postulate of the benefit of the doubt in favour of a contracted marriage, that is, in the postulate to maintain a marriage. To some extent, that principle is also present in administrative and court proceedings preceding the contraction of a marriage. It is reflected by a possibility that the court has to grant permission to contract a marriage despite the existence of a specific impediment,<sup>43</sup> and facilitating entering into marriage between Polish citizens and foreigners. In this last case, the *favor matrimonii* principle can be noticed, for example, in a court proceeding concerning exempting a foreigner from the obligation to submit evidence of his/her capability to contract a marriage.<sup>44</sup>

<sup>33</sup> KRO, Art. 14 § 1.

<sup>34</sup> KRO, Art. 15 § 1.

<sup>35</sup> KRO, Art. 15 (1) § 1.1.

<sup>36</sup> KRO, Art. 15 (1) § 1.2.

<sup>37</sup> KRO, Art. 15 (1) § 1.3.

<sup>38</sup> KRO, Art. 16.

<sup>39</sup> KRO, Art. 10 § 3.

<sup>40</sup> KRO, Art. 11 § 3.

<sup>41</sup> KRO, Art. 15 § 3.

<sup>42</sup> KRO, Art. 13 § 3.

<sup>43</sup> KRO, Art. 10 § 1, Art. 12 § 1, and Art. 14 § 1.

<sup>44</sup> In accordance with Art. 56.1 of the Polish Law on Civil Status Acts, a foreigner who intends to marry has the obligation to provide the head of a civil registry office with a document confirming that the foreigner is capable of contracting a marriage under the applicable laws and regulations (the Law on Civil Status Acts of 29 September 1986, Dz. U. [Journal of Laws] No. 36, item 180, as amended; hereinafter: CSA). However, pursuant to Art. 56 of the CSA, if the foreigner encounters major obstacles in obtaining the document, the court may exempt the foreigner from said obligation — in non-litigious proceedings — at the foreigner's request.

## Conclusions

The *favor matrimonii* principle occurs in the normative orders analysed above. Although in each of them it holds a similar protective function, it does not mean, however, exactly the same, and its scope is different in each of the systems being analysed. In canon law the *favor matrimonii* rule is not only a norm stipulated directly in the regulation, but referring to it as a legal presumption (*in dubio standum est pro valore matrimonii*) clearly reinforces its character. Yet Polish law does not stipulate such scope of protecting a marriage.

However, regardless of its scope and power, the “favour for marriage” principle gives some benefits both to spouses and the family set up by them, and to the state. The potential assistance of the state, realised in the form of different benefits, is of a subsidiary nature. Upon contracting a marriage, spouses assume mutual responsibility, both in personal and property areas. They also have specific rights and obligations towards other members of the family established by them, particularly towards the minor children they have together. Due to this, it is essential that marriage is a durable relationship. It is crucial both to spouses, who can count on mutual support, also in the future, especially in sickness and old age, and to the state, whose obligation to provide help to persons in a difficult situation has been marginalised. Furthermore, one should also pay attention to the special importance of the durability of marriage to the minor children of both spouses.

Thus, regardless of different tendencies undermining the sense of marriage durability, the *favor matrimonii* principle is not a relic of the past. It occurs in contemporary legal systems protecting the institution of marriage (although to a different degree). Perhaps it raises some oppressive associations, limiting human freedom, but the law, which exists to protect fundamental human values, cannot be different.

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LUCJAN ŚWITO

## Resolution in Favour of Marriage — an Oppressive Relic of the Past? The *favor matrimonii* Principle in Contemporary Law

### Summary

The present article undertakes the subject of *favor matrimonii* principle, that is, ‘favour for marriage’ in the national and canon law regulations. The principle, even though it is absent *expressis verbis* from contemporary legal documents, it is more and more often criticised for being an oppressive rule which deprives the human being of their freedom and imprisons them in the chains of an unwanted relationship. Resultantly, the author asks whether the *favor matrimonii* principle has not become a relic of the past? Does it still preserve its validity in the contemporary normative dimension? Is marriage durability of value, and is marriage treated in such a perspective in the contemporary legal dimension? The answer to those questions will be sought by reaching out to the analysis of the provisions of canon law and secular law.

The analysis carried out leads to a conclusion that even though the *favor matrimonii* principle occurs in the analysed normative systems and it equally serves there as a protective measure, it is not, however, identically understood and its scope in each of the systems is slightly different. In canon law the *favor matrimonii* principle is not only a norm unequivocally defined in a regulation, but it is further reinforced by having obtained a status of a presumption of law (*in dubio standum est pro valore matrimonii*). The latter scope of legal protection is not envisaged for marriage in the Polish legal system.

LUCJAN ŚWITO

## Arbitrer en faveur du mariage — un vestige oppressif du passé ? Le principe *favor matrimonii* dans le droit contemporain

### Resume

Le présent article aborde le problème du principe *favor matrimonii*, c'est-à-dire « la faveur à l'égard du mariage » dans le droit polonais et canonique. Ce principe, bien qu'il ne figure pas *expressis verbis* dans les recueils juridiques contemporains, est de plus en plus souvent soumis à la critique en tant que principe oppressif qui prive l'homme de sa liberté et l'emprisonne dans les entraves d'une relation non désirée. Cela étant, l'auteur de l'article, en analysant la législation polonaise et canonique, tente de trouver les réponses à des questions telles que : Le principe *favor matrimonii* n'est-il pas devenu un vestige du passé ? Garde-t-il toujours son actualité dans le droit normatif contemporain ? La dureté du mariage est-elle une valeur et si c'est bel et bien dans une telle optique qu'est traité le mariage dans le droit contemporain ?

L'analyse effectuée conduit à la conclusion que, bien que le principe *favor matrimonii* figure dans les ordres normatifs analysés en y exerçant une fonction protectrice pareille, cela ne signifie pourtant pas exactement la même chose et sa dimension dans chacun des systèmes analysés est différente. Dans le droit canonique, le principe *favor matrimonii* n'est pas seulement une norme définie explicitement dans la réglementation, mais sa conception comme une présomption légale (*in dubio standum est pro valore matrimonii*) renforce visiblement son caractère. Une telle dimension de la protection du mariage n'est pourtant pas prévue dans le droit polonais.

**Mots clés :** mariage, dureté du mariage, divorce, droit matrimonial

LUCJAN ŚWITO

## La decisione in favore del matrimonio: vestigio oppressivo del passato? Il principio del *favor matrimonii* nel diritto contemporaneo

### Sommario

L'articolo presentato intraprende il problema del principio del *favor matrimonii* ossia della "preferenza per il matrimonio" nel diritto polacco e canonico. Tale principio, anche se non figura *expressis verbis* nelle raccolte giuridiche contemporanee, viene tuttavia sottoposto a critica sempre più frequentemente, come principio oppressivo che priva l'uomo della libertà e lo tiene prigioniero nelle catene di un'unione non voluta. Pertanto l'autore dell'articolo, attraverso un'analisi della legislazione polacca e canonica, prova a misurarsi con quesiti quali: il principio del *favor matrimonii* non è ormai diventato un vestigio del passato? Continua a mantenere la sua attualità nella dimensione normativa contemporanea? La durabilità del matrimonio è un valore ed è proprio in tale ottica che viene trattato il matrimonio nella dimensione giuridica attuale?

L'analisi eseguita porta alla conclusione che sebbene il principio del *favor matrimo-*

*nii* figure negli ordini normativi analizzati svolgendo una funzione tutelante simile, ciò non significa tuttavia precisamente la stessa cosa e il suo campo in ciascuno dei sistemi analizzati è differente. Nel diritto canonico la regola del *favor matrimonii* è non solo una norma definita direttamente nella prescrizione, ma la sua impostazione come presunzione giuridica (*in dubio standum est pro valore matrimonii*) ne rafforza chiaramente la natura. Un campo di tutela simile del matrimonio non è invece previsto dal diritto polacco.

**Parole chiave:** matrimonio, durabilità del matrimonio, divorzio, diritto matrimoniale



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## Pastoral Care of Youth in the Czech Republic — Legal Aspects

**Keywords:** Churches, young people, pastoral care, Church movements, canon law, Church music

### The situation under the communist regime

The explanatory memorandum of the first “post-revolutionary” law on churches and religious communities, valid in the Czech Republic between 1991 and 2002, states the following: “Combination of legal norms and complementary secret administrative regulations enabled widespread repression, arguably the most severe in the countries of the so called socialist camp.”<sup>1</sup> As the regime set the priority of educating youth in the spirit of its materialistic ideology, it was far more worried about the churches’ impact on the youth than on the other population groups. While people in retirement age were tolerated in their “religious anachronisms,” young people were to be isolated from the impact of religion in any possible way. The regime gradually proceeded to the destruction of

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<sup>1</sup> Zákon č. 308/1991 Sb., o svobodě náboženské víry a postavení církví a náboženských společností: Důvodová zpráva — Obecná část [Act No. 308/1991 on the freedom of religion and the position of churches and religious communities: explanatory memorandum — general comments].

church schools,<sup>2</sup> religious education taught at school,<sup>3</sup> and continuously bullied those ministers who succeeded in attracting the youth. An effective tool of eliminating such priests was the infamous provision of Church Law of 1949 dealing with the removal of the state approval with the exercise of pastoral ministry.<sup>4</sup> It was a totally wilful administrative act without any legally understandable criteria. Even when the removal was not actually carried out, church secretaries appointed by the state put pressure on the ordinaries of the Catholic church to redeploy ministers with comradesly relationship towards the youth.

Under such circumstances one could hardly talk about a systematic care for the youth. On the other hand, the situation led many ministers or the young people themselves to confessional courage, to the creation of cohesive atmosphere and to concentrating on the *unum necessarium*. Also, one should not forget the bully-like restrictions of female religious orders and communities and the illegal elimination of the male orders and communities, which in Czechoslovakia between 1950—1989 operated only underground and in secrecy. Men and women religious under risky conditions involved young novices into the noviciate, both male and female.<sup>5</sup> When looking at the activities of the Salesians, we should mention the practice of the so-called cottages (*chaloupky*), essentially a con-

<sup>2</sup> “The intention to nationalise church schools after February 1948 succeeded completely, regardless the protests of bishops and the laity. In terms of the legislature, the basis for the destruction of church schools was the Act No. 95/1948 about the general reform of unified education (also known as “the School Law”) from 21 April 1948. — P. JÄGER: *Svoboda vyznání a právní postavení církví a náboženských společností v letech 1948—1989*. In: *Komunistické právo v Československu. Kapitoly z dějin bezpráví*. Ed. M. BOBEK, P. MOLEK, V. ŠIMÍČEK. Brno 2009, pp. 802—803.

<sup>3</sup> “Until the beginnings of the 1950s, religious education remained a graded subject (the grade was given as the next-to-last on the school report, before physical education). This state of things was changed as late as in 1953 (Act No. 31/1953). At that point, religious education became a voluntary and non-graded subject. Churches and their members were subsequently subject to massive limitations and extensive bullying precisely in this area.” — J. R. TRETERA: *Nová právní situace církví a náboženských společností v roce 1950*. In: *Stát a církev v roce 1950*. Eds. J. HANUŠ, J. STŘÍBRNÝ. Brno 2004, pp. 28—29.

<sup>4</sup> Zákon č. 218/1949 Sb., o hospodářském zabezpečení církví a náboženských společností státem, §7 odst. 1 [Act No. 218/1949 Coll., on the economic provision of churches and religious communities by the state §7 par. 1]: “Ministerial (preaching or similar) activity in churches and religious communities can be carried out only by persons who possess the approval of the state and who have performed a vow. The wording of the vow will be determined by a governmental decree.” — I. A. HRDINA: *Texty ke studiu konfesního práva — III. Československo*. Praha 2006, p. 190.

<sup>5</sup> “In the 1970s and 1980s, some orders were awakened, especially the Dominicans, Sisters of Mercy of St Charles Borromeo and the Franciscans and started to accept new members. Underground theological studies were also founded.” — J. BALÍK: *Diecézní centra mládeže. Vznik, spiritualita, výhledy*. Praha 2011, p. 137.

spiratory form of youth ministry organising holiday camps with Christian formation.<sup>6</sup>

## The renewal of Salesian pastoral care for youth

After 1989, in the whole of Czechoslovakia, legally organised religious life is renewed, both in terms of canonical status, but also in relation to the organs of the state. The Salesian province in Prague is registered as a legal person by the Churches Department of the Ministry of Culture of the Czech Republic,<sup>7</sup> individual Salesian youth centres (*Salesiánská střediska mládeže*) are registered as charitable trusts under a special provision.<sup>8</sup> The practice of the “cottages” has been so inspiring that its impact goes beyond the actual Salesian order. A civil society organisation *Casula* (Latin for “a small house, a cottage”) is organised in the ordinary parish ministry at Prague — Lhotka parish.<sup>9</sup> An interesting experiment to integrate the youth from foster homes together with children from integral families is presented for example by civil society organisation “*Campamento*”, which loosely cooperates with other parishes in the archdiocese of Prague.<sup>10</sup>

At the time when “cottages” were organised, that is, towards the end of the existence of the totalitarian regime, a magazine called “Reading into the rucksack” (*Čtení do krosny*) was launched, which started to be published legally under the title *Anno Domini* after the Velvet Revolution. The ecclesial approval of the religious superiors granted this magazine the subtitle “Catholic monthly for the youth.” This subtitle, however, shifted from the cover page into the imprint and was gradually abandoned. Some contributions in the magazine aroused open resentment of the bishops,

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<sup>6</sup> The topic has been covered in J. VRACOVSKÝ: *Chaloupky. Salesiánské prázdninové tábory v době totality*. Praha 2002.

<sup>7</sup> Registered in the Index of legal persons under the case number 8/2—29/1994.

<sup>8</sup> Zákon č. 248/1995 Sb., o obecně prospěšných společnostech a o změně a doplnění některých zákonů [Act No. 248/1995 on charitable trusts and on changing and complementing certain laws].

<sup>9</sup> Although the title reads “civil society organisation,” the community is registered legally in the Commercial index of companies [*Obchodní rejstřík firem*] under the identification number 649 36 65 51.

<sup>10</sup> Founded in 1999 as a civil society organisation *Campamento* '99; the civil societies founded in accordance with Act No. 89/1990 on civil association have now been — in accordance with the new Civil Code — transformed obligatorily into the legal form of “associations” (*spolky*).

especially the archbishop of Olomouc, Jan Graubner, and the bishop of Litoměřice, Josef Koukl, the latter of whom banned the distribution of the magazine in his diocese. The issuing of the magazine was subsequently definitively stopped in 2003, because the number of subscribers and readers gradually went down and the issuing of the magazine stopped to be of benefit to the Salesian publishing house Portál.<sup>11</sup> Nevertheless, a similar magazine called *Zrno* (literally “The Seed”, in fact also an abbreviation for “maturity, hope and orientation”, *Zrelost, Nádej, Orientácia*) in more religious Slovakia also stopped being issued. Publishing house Portál publishes works from the field of pedagogy and psychology, many of which help the wardens and youth workers. Moreover, the Salesians also look after the training of the altar boys via their press apostolate: magazines *Nezbeda* (“The Imp”) for young boys and *Tarsicius* for teenagers serving at the altar. The Salesians also stood at the birth of the Faculty of Theology of the University of South Bohemia in České Budějovice.<sup>12</sup> Until 2006 this city also hosted their novitiate.<sup>13</sup> In correspondence to their orientation on the youth, the faculty opened a study field of “leisure time pedagogy.”<sup>14</sup>

## Ecclesial movements and the Youth Department of the Czech Bishops’ Conference

Apart from the congregation of the Salesians, it is also some other spiritual movements (*movimenti*), whose adherents or members systematically

<sup>11</sup> Portál, s. r. o. [Ltd.] is a Czech publishing house founded in 1990. Its seat is in Prague-Kobylisy, and their owner is the Salesian Province Prague, the regional legal person of a Roman Catholic congregation of the Salesians of Don Bosco.

<sup>12</sup> As an institution founded on the basis of Canon Law, it was confirmed by the decree of the Roman Catholic bishop of České Budějovice on 31 December 1991, following Canon 821 CIC as a higher institute of the religious sciences.

<sup>13</sup> The activities of the Salesians in Bohemia and Moravia have been covered in M. R. Křížková: *Kniha víry, naděje a lásky*. Praha 1996.

<sup>14</sup> “From its birth, the *Faculty of Theology of the University of South Bohemia (Teologická fakulta Jihočeské univerzity — TFJU)* focused primarily on providing theological studies for the laity. From among the candidates of the priesthood, only the members of the congregations of the Salesians and the Petriens [...] pursued their studies in České Budějovice. In the course of time, the scope expanded: to the original subjects of theology, religious education and pastoral assistance, new study fields were added, such as Humanities [*humanistika*], leisure time pedagogy [*pedagogika volného času*], social and charity work [*sociálně-charitativní práce*] and the subsequent M.A. programmes, such as the theology of service [*teologie služby*] etc.”— Z. HORÁK: *Církev a české školství*. Praha 2011, p. 233.



look after the youth within the conditions of the Catholic Church in Bohemia and Moravia and the scope of their activities goes beyond ordinary parish ministry. Already before 1989 two movements operated in this area, Focolare (Work of Mary) and the Charismatic Renewal. The harbinger of the future diocesan centres for youth was the parish in North Bohemian Pířchovice administered by a priest, member of the Focolare movement, which obviously could not achieve official status given the conditions of the totalitarian state. In fact, it came under scrutiny of the secret police (StB).<sup>15</sup> Following the change of the political situation in November 1989, it was vital to keep in contact with young people, encourage new people and offer them concrete help for them to see a church which is interested in them and counts on their activity. This was a task beyond the possibilities of any religious order, community or movement. Following this development, the Department of Youth of the Czech Bishops' Conference [*Sekce pro mládež ČBK*] was founded in 1990. The Department greatly benefited from the opportunity to establish ties with the universal church and to cooperate especially with the Pontifical Commission for the Laity. With the borders open, the youth could attend World Youth Days which were later inspirations for huge nationwide or regional gatherings of the youth in the context of the Catholic church in Bohemia and Moravia.

Already in the 1990s, diocesan centres for the youth were founded in the individual dioceses and their existence was stabilised in terms of their canonical status, for example, as regards the “Nazaret” centre in Prague.<sup>16</sup> Although in the Catholic Church in Bohemia and Moravia, there operate many other movements than Focolare and the Charismatic Renewal (Community of John the Baptist — *Komunita Jana Křtitele*, *Chemin Neuf*, *Comunione e Liberazione*, Neocatechumenal Way — *Neokatechumenátní hnutí*, The Ark — *Archa*, *Taizé*, Oasis — *Oázy* — *Fós Zoê*), the key orientation of the youth ministry have been determined by the mentioned two movements.<sup>17</sup>

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<sup>15</sup> “On the basis of archival documentation, we can state that the StB (the secret police) kept an eye on Father Šimáček intensively and knew about his activities. This is indicated by the fact that in 1990, some agents who introduced themselves as the staff of the Office of Rights and Democracy [*Úřad práv a demokracie*] in Ústí nad Labem came to remove a bugging device, carefully placed under the plastering in the room where the youth convened. At that point, it was also confirmed that the telephone in the parish office had also been bugged for years.” — J. BALÍK: *Diecézní centra...*, p. 150.

<sup>16</sup> “Legally, ‘Nazaret’ has been incorporated into the Archdiocesan Centre for the Youth, which gained autonomous legal subjectivity on the basis of Cardinal Vlk’s decision, dated on 1 January 1999. Its mission covers provision of the operation, the activities and authenticity in the Archdiocesan Centre for the Life of the Youth ‘Nazaret.’” — J. BALÍK: *Diecézní centra...*, p. 165.

<sup>17</sup> “On the one hand, the individual movements contribute to the awakening of the religious vitality, on the other hand, they also put pressure on individuals and groups in

Under the auspices of the Charismatic Renewal, for instance, weekly retreats for the youth are organised known as “Jump”.<sup>18</sup> The “entercamps” inspired by them focus especially on spiritual direction of young people: for every 10 participants there are 2 leaders and a priest. Emphasis is put on the sacrament of reconciliation, Bible work and on adopting personal prayer, which the young people are supposed to practice also after the retreat is over. The diocesan centres for the youth organise sojourns for young people related to the celebration of Easter and the end of the year, with lenten and advent spiritual retreats or focused on training youth animators. The last nationwide meeting of youth animators took place in Třešť in 2014. Moravian dioceses organise deanery gatherings of the youth; in the whole of the Czech Republic there are diocesan youth gatherings, as well as the National Youth Gathering (*Celostátní setkání mládeže*), organised approximately every 5 years, the last of which took place in Žďár nad Sázavou in 2012. Vocation ministry is realised via gatherings organised by seminarians in Prague (known as *Tammím*) and in Olomouc (known as *Vir*). The seminarians also organise advent and Lenten retreats for young men between 15 and 30 years of age focused on life in the seminary and discerning their vocation to the priesthood.

## Musical forms of young Christians

A specific problem field within the Catholic Church in the Czech Republic represent the various musical forms of young Christians. Already in the times of the totalitarian Communist regime, there appeared various collections of rhythmical worship songs, distributed in semi-legal ways. In response to the need to unify the readings of the song and select the best of them, the Salesians after 1989 initiated the publication of a uni-

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order to achieve a community of ‘better quality’. However, this quality is viewed differently by the representatives of various movements and spiritualities, for example, for the members of the Focolare, a functional community is a one, in which no sharp differences in views are to be found and in which the members can openly communicate their spiritual experience; for the charismatics, a good community is a group, in which the members pray together spontaneously and are open to special charismata; the Salesians want the majority of the members of their youth groups to participate more and more in the activities organised for other young people and for children as they grow older.” — M. KAPLÁNEK: *Pastorace mládeže. Studijní text pro pracovníky s mládeží*. Praha 1999, p. 93.

<sup>18</sup> The civil society organisation JUMP has been registered by the Ministry of the Interior of the Czech Republic under the case number VS/1-1/55 898/04-R.

fied collection of youth songs. Their publishing house Portál thus published the first songbook called *Hosana*, which did not obtain an explicit ecclesial approval under the regulation of the Canon Law, but a blessing of the Bishop of Brno.<sup>19</sup> The existence of the songbook was welcomed also by Petr Eben, a composer of worldwide renown: “Certainly, only a minor part of the youth is interested in Classical music, most of them are captivated by rock and the various forms of pop a folk music. Given this fact, it only follows that in the field of religious music, there must also exist this duality of the two forms [...] However, we must admit that in the realm of light music, especially with songs, we often encounter amateurish attitude to setting texts to music and sometimes even banality and bad taste. It is, therefore, praiseworthy that from the 1200 songs gathered only about 400 were published, i.e. it represents a certain selective process.”<sup>20</sup> In the following years, two other volumes of the songbook *Hosana* were published (2004 and 2006).

The musical accompaniment during the holy mass celebrated by Pope Benedict XVI on the occasion of his visit to the Czech Republic in 2009 in Stará Boleslav,<sup>21</sup> caused a sense of unease, or downright resentment, so the Youth Department of the Czech Bishops’ Conference was delegated to focus on this problem field with a group of specialists — musicians, linguists and liturgists. The outcome of this discussion was a Regulation of the Czech Bishops’ Conference about the use of liturgical music in worship, especially in relation to the youth.<sup>22</sup> The document has a legal character of an instruction within the framework of the valid Canon Law.<sup>23</sup> However, it also presents a practical tool for putting together the musical part of the worship with the participation of the youth, because it also contains illustrative tables and lists of songs suitable for use at particular occasions.

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<sup>19</sup> “With all these songs we may chant glory to God, so that — in reverse — the glory may take hold of the singers and the listeners. However, the greatest glory reaching God should be every one of us, our life and the whole of our existences. For that to happen, I cordially bless all of you, Vojtěch Cikrle, the bishop of Brno.” — *Hosana. Zpěvník křesťanských písní*. Praha 1993, no pagination.

<sup>20</sup> Ibidem.

<sup>21</sup> The documents from this visit have been published in *Papež Benedikt XVI. v České republice*. Kostelní Vydří 2009.

<sup>22</sup> Issued for internal use by the Czech Bishops’ Conference in Prague, 2015.

<sup>23</sup> CIC 1983, Canon 34.

## Pastoral care of youth within the specific spiritualities

Ministry focused on university students in the Czech Republic is carried out especially by the personal prelature *Opus Dei*.<sup>24</sup> In Prague, it runs the University centre “Na Baště,” whose plan is to provide motivating intellectual and moral environment for students to whom it offers help in personal, professional, spiritual and cultural education. It aims at creating suitable environment for individual and group study activities, such as lectures and discussion clubs.

*Motu proprio Summorum Pontificum* of Pope Benedict XVI from 2007 which simplifies the procedure of worshipping in accordance with the *Missal* of Pope John XXIII and other liturgical books from the time prior to the Vatican II reform caused interest of many Catholic Christians, among whom there is an above-average percentage of young people. The actual *motu proprio* in Czech language was published by the Czech Bishops' Conference in its *Acta*.<sup>25</sup> The proof for the increased interest of young people for *Tridentine* liturgy is buttressed by the fact that a group of these young people took part on the World Youth Day in Kraków (25—31 July 2016) led by Bishop Athanasius Schneider.<sup>26</sup> Within the full communion of the Catholic Church in the Czech Republic, no special structure have yet been founded, directed by two communities of apostolic life focused on fostering the extraordinary form of the liturgy, namely the Fraternity of St Peter (FSSP) and the Institute of Christ the King. Only the diocese of Ostrava-Opava authorised a particular priest to foster the traditional Roman rite. Some priests celebrate the traditional liturgy in their parishes within the conditions granted by the mentioned *motu proprio*. The adherents of this rite, however, take great care to make sure the faithful understand the rites, therefore, they make use of the Latin-Czech translation of the *Roman Missal* for the laity, whose latest issue has been updated with some new developments.<sup>27</sup>

<sup>24</sup> “If you look into the Index of the registered legal persons [*Rejstřík evidovaných právnických osob*], we find out, that the Prelature of the Holy Cross and *Opus Dei* is dated on 23 November 1994 [...] The evidence of the prelature *Opus Dei* into the Index of legal persons in accordance with the law No. 308/1991 Coll. was carried out on the basis of the proposal made by the Archbishopric of Prague.” — J. KŘÍŽ, A. RÍTOBÓ: “Právní postavení osobní prelatury *Opus Dei* v České republice.” *Revue církevního práva* 51, 2012/1, p. 31.

<sup>25</sup> *Acta České biskupské konference* 3/2008, pp. 50—54.

<sup>26</sup> A work of this auxiliary bishop of the archdiocese Maria Sanctissima in Astana (Kazachstan) has recently been published in Czech, cf. A. SCHNEIDER: *Corpus Christi. Svaté Přijímání a obnova církve*. Ústí nad Orlicí 2015.

<sup>27</sup> Translated and annotated by M. SCHALLER: *Římský Misál*. Praha 1952. The new

The priests from the Fraternity of St Pius X (FSSPX) also operate in the Czech Republic.<sup>28</sup>

It is a pity that an equivalent structure to the diocesan centres of the youth have not been founded yet by the Apostolic Exarchate of the Eastern-Rite Catholic Church. On the other hand, the Orthodox Church in the Czech Republic and in Slovakia can continue with their earlier tradition of youth get-togethers,<sup>29</sup> which was restored in 1994 by the re-foundation of the Fraternity of the Orthodox Youth in the Czech Republic, whose seat can be found in Františkovy Lázně.<sup>30</sup>

## Conclusion

Although the statistics and opinion polls keep reminding us of the fact that the Czech Republic belongs among the countries with the lowest degree of organised religiosity, it needs to be said that youth ministry in the Catholic Church shows — despite some problems — signs of vitality. An important value in this context seem to be variety, respect for the breadth of different spiritual paths used for attracting various groups of Catholic youth. Both the civil and the Canon Law have been an effective assistance for organising youth ministry and youth apostolate in the years following the fall of Communism in the Czech Republic.

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edition is a reprint of the original and “from page 259 an appendix is added containing the changes made to the Roman Missal from 1962 onwards, some mass proprias of regional significance and the most common blessings conferred before, within or after the Holy Mass”, publ. by Nakladatelství Sypták, Brno 2015.

<sup>28</sup> Within the organisation of the Priestly Fraternity of St Pius X, the Czech lands belong to the “Austrian” district, therefore, all apostolate carried out on Czech territory in the name of FSSPX is subject exclusively to the superior of this district with the authority of a local ordinary. The superior of the district is subordinate directly to the superior general of FSSPX. The FSSPX bishops are only auxiliary bishops and have thus no jurisdiction on the basis of their ordination.

<sup>29</sup> This issue has been covered by P. MAREK in: *Pravoslavní v Československu v letech 1918—1942*. Brno 2004.

<sup>30</sup> The statutes of this subject, organised in the legal form of civil society organisation, were adopted on 11 June 1994.

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STANISLAV PŘIBYL

### Pastoral Care of Youth in the Czech Republic — Legal Aspects

#### Summary

The communist regime in Czechoslovakia belonged among the most repressive in the former Soviet sphere. It made efforts of ideological indoctrination of youth and used various means in order to isolate young people from the religious life. Solely after the changes in 1989 it is possible to organize structures of many-sided care of youth within the Churches. In the framework of the Catholic Church there belongs a great deal of merits to the Salesian Congregation which operated with youth in the secret structures already in the times of totalitarianism when the male Church orders were abolished. The Czech Bishop Conference established its Section for Youth, also the Church movements as Focolare or Charismatic Renewal take part on the care of young Christians. The care of youth exploits the possibilities offered by the canon law. A special attention is turned to the problem of quality of the Church music for youth. Also the Catholic Traditionalists, Greek Catholics, Orthodox Church and the other Christian Churches employ the religious freedom and establish various organizations for young believers according to the civil law and their inner church prescriptions.

STANISLAV PŘIBYL

## Le soin pastoral des jeunes gens en République tchèque – aspects juridiques

### Resume

Le régime communiste en Tchécoslovaquie appartenait aux régimes les plus oppressifs de l'ancien bloc soviétique. Il tentait d'endoctriner idéologiquement les jeunes gens et employait différents moyens pour isoler les jeunes de la vie religieuse. C'est seulement après les changements de 1989 que l'on pouvait organiser dans les églises un soin complexe aux jeunes gens. Dans le cadre de l'Église catholique, de grands mérites dans ce domaine appartiennent à l'ordre salésien qui formait des structures secrètes concernant le travail avec les jeunes déjà à l'époque du régime totalitaire, où les ordres masculins étaient abolis. En ce qui concerne le soin pastoral porté aux jeunes gens, ce sont aussi des mouvements religieux, tels que *focolari* et le renouveau charismatique catholique, qui y prennent part. La prêtrise des jeunes gens exploite les possibilités que donne le droit canonique. Un accent particulier est mis sur le problème de qualité de la musique religieuse pour les jeunes. Ce sont aussi bien les traditionalistes catholiques, les gréco-catholiques, les orthodoxes et d'autres confessions chrétiennes qui profitent de la liberté religieuse et fondent différentes organisations pour les jeunes croyants conformément aux préceptes du droit civil et leurs réglementations religieuses intérieures.

**Mots clés:** Églises, jeunes gens, soin pastoral, mouvements religieux, droit canonique, musique religieuse

STANISLAV PŘIBYL

## L'assistenza pastorale dei giovani nella Repubblica Ceca — aspetti giuridici

### Sommario

Il regime comunista in Cecoslovacchia rientrava tra quelli più oppressivi dell'ex-blocco sovietico. Tentava di indottrinare ideologicamente i giovani ed usava diversi metodi per isolare i giovani dalla vita religiosa. Soltanto dopo i cambiamenti nel 1989 si poté organizzare nelle chiese un'assistenza multiforme dei giovani. Nell'ambito della Chiesa cattolica in tal campo ha grandi meriti la congregazione dei salesiani che creò strutture clandestine per il lavoro con i giovani già ai tempi del regime totalitario, quando gli ordini maschili erano soppressi. La Conferenza Episcopale Ceca ha costituito la Sezione per i Giovani, all'assistenza pastorale dei giovani prendono parte anche i movimenti ecclesiastici come i *focolari* o il Rinnovamento Cattolico Carismatico. La pastorale dei giovani sfrutta le possibilità offerte dal diritto canonico. Si pone un accento particolare sul problema della qualità della musica ecclesiastica per i giovani. Anche i cattolici tradizionalisti, i greco-cattolici, gli ortodossi e le altre confessioni cristiane fruiscono della libertà religiosa e fondano diverse organizzazioni per i giovani credenti attenendosi alle norme del diritto civile e ai loro regolamenti interni ecclesiastici.

**Parole chiave:** Chiese, giovani, assistenza pastorale, movimenti religiosi, diritto canonico, musica ecclesiastica





Part Three

# Reviews



Marta MAJOREK: *Kod YouTube:  
od kultury partycypacji do kultury kreatywności*  
(YouTube code: From the culture  
of participation to the culture of creativity). Kraków:  
Wydawnictwo Universitas, 2015, 240 pp.

In contemporary discussions on evangelization, especially the evangelization directed at young people, issues related to the meaning and role of the Internet cannot be overlooked. Today, it seems indispensable to know how YouTube works. The book reviewed herein entitled *Kod YouTube: od kultury partycypacji do kultury kreatywności* — fits well with these issues. Today, evangelization is inseparably connected with both cultures.

The work in question consists of nine chapters. Its main contents is a deep media-studies reflection on the construction and functioning of contemporary society and on the specificity of human interactions occurring within it. It is also a scientific study on contemporary specificity of disseminating information. Information as such, as well as its creation, mass producing, processing, transmission, possession, and dissemination become a key elements of the functioning of today's society. They constitute the society's characteristic feature and the core of social life. Evangelization — just as it was at the very beginning of the Church's functioning — is connected with inculturation. The character and scale of changes faced by contemporary man is fully reflected in the term "information revolution." The phenomenon of mediated communication, characteristic of this day and age, favours the creation of the mediated society. The said term covers both the concept of information society (as to content) and network society (in terms of form). The network, information, form and content attain equal importance and are closely related through a chain of mutual rela-

tions. It is also worth noting that the study directs our attention towards the “new social formation.” The latter emerging as a result of the processes of “mediamorphosis,” or saturation, or even saturation of the society with the media, exhibits several significant features. To start with, its dominant feature is the vicarious nature of interpersonal contacts, therefore the media become a “natural” human environment, and virtual reality comes to be understood as synonymous with reality. The Internet plays a leading role in shaping these processes.

Extremely interesting conclusions are provided by the analysis of the phenomenon of shaping global communities within the Web, among which the one formed by YouTube deserves particular attention. The fact that it enables the sharing of amateur video content and allows for unlimited expression of audiovisual creation confirms only the contemporary tendency to form relationships based on individual interests and goals, which, according to some authors, undermines the traditional way of understanding the concept of social ties, previously mainly associated with relations of kinship or neighbourhood. It is connected with the process of aspiring to the unlimited individual independence in creating one’s own life, accompanied by social atomization. The independence of the social environment and the far-reaching scope of freedom in the interpretation of not only the role played by the individual, but also the established cultural tradition, are of fundamental importance for the discussed issues.

YouTube also creates new opportunities for educational activities. This is particularly important in the situation of the popularity of this website among children and adolescents. And although there is no chapter devoted directly to education and evangelism in the discussed work, the principles of YouTube functioning presented by the author can be easily used to convey evangelizing and educational content, for example, the matters discussed in the following subchapters: “The causes of YouTube’s popularity”; “Utilizing the *word-of-mouth* strategy in marketing” (p. 69); “New telecommunications technologies in teaching”; “Feminine Tube”; “YouTube as a social media”; “YouTube as a space for creating video-memes.”

The popularity and development of YouTube should also be associated with the culture of creativity. The role of the culture of participation in the world of online creativity has not been sufficiently demonstrated in the reviewed work. Induced tendencies to individualization and broad margins of freedom of choice still demand a high ethos of participants. It is not enough just to have creative affiliation with specific groups and to be independent in shaping your own identity. There must also be present a clear awareness of responsible participation in the lives of other people. The specificity of the website discussed by the author thus favours multidimensionality of communication, and thus, building a new type of network. This fits

in with the concept of the new evangelization, which is even mentioned in John Paul II's *Redemptoris missio* encyclical.

YouTube sets new boundaries for human sense of belonging. This affiliation is determined — as the author, Marta Majorek, shows — by the similarity of ways of life, views, or professed values, a community of goals and aspirations. Often these are very subjective goals. Therefore, it is necessary to objectivize human reality through the evangelization of the “digital continent,” as Pope Benedict XVI wrote.

*Michał Drożdż*



Maria Teresa LIZISOWA:  
*Komunikacyjna teoria języka prawnego*  
(Communicative Theory of Legal Language). Poznań:  
Wydawnictwo Naukowe CONTACT, 2016, 492 pp.

The reviewed study by Maria Teresa Lizisowa is published as the fourth in the series *Dissertationes legilinguisticae* — Legilinguistic Studies (Studies in Legal Language and Communication). The latter is very broad in scope when it comes to topics undertaken. Editorial reviews were prepared by Marcus Galdia, Andrzej Malinowski and Aleksandra Malinowska.

The book in question consists of six chapters, a quite extensive conclusions, list of figures and a list of tables.

In the content of the monograph the reader pays attention mainly to three issues. First of all, the monograph is one of the first on the topic of legal language communication theory. The study's main thesis is the analysis of legal language treated as "communication." It is performed under the premise that there actually is a personal interpretation of law as a system of legal norms established by the state and applied in social life. Also in the assumption there are numerous moral connotations, in accordance with the power of law and the ethical principles of the correct law.

Secondly — the author is widely present (especially in the sixth chapter — pp. 353—436). The study takes into account the entirety of the law and the legal language in the first three chapters — as it states — the ontological nature of objective positive law (*lex*) and subjective law (*ius*). It broadens the theme that "the positive law is the set of rules of conduct of people connected with legal nodes, and the subjective law is the fact of law in interpersonal relationships, determined by positive law and judged in the sphere of duty of human action" (p. 284).

Thirdly, the outline of various methodological approaches from the field of linguistics utilized in research performed throughout the work is interesting. Therefore, the author uses the legal demands of language analysis. It shows the convergence of the legal system and the legal language system. What makes the publication in question truly valuable is a mixture of systemic studies of language phenomena coupled with a discussion of numerous social and legal phenomena (interactional contacts, language signs, legal texts, subordination, competence, etc.). The work in its entirety appears to be a competent reconstruction of the semantic system of the legal language, the structure of the texts of the legal act, and the pragmatic investigation of the legal order in the structures of the language.

However, one should also seek to find whether the main aim of the study was commensurately achieved in the discussed book. The intention of the author was after all to show the legal language fixed in the legal text. The novelty of the work is to present the “semiotic code of the legislator” and the possibility of its reception by lawyers as well as ordinary people. It is very well presented in the chapter “Normative in semantics of linguistic signs conveying general legal norms which regulate legal relations” (pp. 295 ff.). With particular interest, the author deals with, as he calls it, the “deontic modality” in expressing the will of the legislator in the structures of the language (pp. 321 ff.). Two different realities are presented in the monograph, which may be inferred from the legal language itself. On the one hand, it is “the abstract nature of legal content” (e.g., sentences imposing sanctions — pp. 269 ff.). On the other hand, there is a need to “translate” the legal language into plain language (pp. 317 ff.).

The monograph also has a valuable layer of reference to widely understood legal culture. This was the author needed to show — especially in Chapter 5 on “Legal language in the pragmatic aspect” (pp. 291 f.) — several issues of “dynamics of the text of a legal act” and “communication in the legal language” (pp. 294 ff.). Within this chapter, the author indirectly proves that functional premises integrate the rights of persons, their deeds, and things with the communication of legal norms and the interpretation of these norms. The law creates and communicates legislative texts, and interprets these texts as legal practices, legal texts, and law texts, primarily the media.

The research method applied in the work is also worth pointing out. The author makes the legal language of “fitting” the language of the theory of personalist communication to the transmission of legal content. It does so in terms of normativity and axiology. Although the legal language is present throughout the text, it is interesting to note the laws passed by the legislature, the language of communication theory. The author describes this as “performative modality.” Simply put — the author justifies that in practice



life exists both normative legal languages, legal interpretative languages, and colloquialisms about events defined by law. These languages constitute the legal language — *lingua legis*. Legislative acts necessary for the implementation of statutes are issued by the central and local administrative bodies. These documents, like regulations, are the source of the law, the author of which is the legislator, but the lawyer or official are their interpreters. And it is very rich in practice — as it is in the title of monograph — “communicating with the legal language.”

The whole work is consistent, valuable in terms of content. Objective legal concepts are adapted to legislative function, but are perceived objectively. These concepts communicate the legal norms and thus result in semantic knowledge of the law. It is therefore worth to study the monograph.

*Michał Drożdż*



Michał GIERYCZ: *Europejski spór o człowieka*  
*Studium z antropologii politycznej*  
(European Dispute over the Man  
A Study on Political Anthropology). Warszawa:  
Wydawnictwo Naukowe UKSW, 2017, 616 pp.  
[ISBN 978-83-8090-242-8]

Michał Gierycz has been researching interpenetration of politics and religion, institutions and values in Polish and European contexts for a long time with admirable precision. He is a lecturer at the Institute of Political Science at Cardinal Stefan Wyszyński University in Warsaw (UKSW) and is a strong voice of the academic school in which one of the major research fields are political anthropology studies. Having already published two well received books, namely: *Christianity and the European Union. The role of religion in the European integration process* (2008) and *The role of Polish deputies to the European Parliament of the fourth term in shaping its politics in the area of axiology of human rights* (2010), this time the author presents results of his research into interpretation of the major European rules and values.

The starting point of the exemplary presentation is a statement that “if we were to make a list of issues being the subject of an intense contemporary public dispute, ethical issues would undoubtedly be at the top of it. Ranging from abortion, in vitro fertilization and debates over euthanasia [...] Europe has been the stage of growing public debate” (from the Introduction). Since the European Union institutions have been active participants of the aforesaid debate, the fundamental values become the subject of public controversies, which proves that the scope of political debate is expanding. It has been gradually entering the realm regarded thus far as being outside of it, namely public morality and politics of morality. Politi-

zation intrudes into and replaces them. The said process of expanding what is politicized in the name of freedom and emancipation makes politics “the realm of omnipotence” and therefore, according to Gierycz, poses a threat for freedom of an individual.

Due to these reasons the author believes that the meaning and consequences of debates on “the first principles” and “the major rules” carried out in Europe and the role of the European Union in this process is absolutely critical. Explaining the reasons for choosing the anthropological perspective for the analysis of aforementioned phenomena, Professor Gierycz presents two justifications: the negative one proving the limitations (“limited explicative value”) of analysing cultural tensions. The problem applies not only to a hierarchy of values, but goes even deeper — it refers to the very understanding of values and their practical implications. The second, this time positive justification shows that at the source of axiological tensions lies a dispute over the concept of man. Therefore, differences in understanding and prioritizing values are related to different anthropological standpoints; in the case of the reviewed book it is related to different concepts of man adopted by the European elites.

As a result of the extended research based on the original methodology and analysed in detail and illustrated by adequate and suggestive examples, Gierycz leads to the confrontation of two anthropological models — “unlimited” and “limited” anthropology and what follows “unlimited” and “limited” visions of society and politics. The first one is based on the assumption that human being can be perfect and reasonable and therefore capable of making autonomous and ideal choices. Hence what is good for a given society should be specified by elites which evaluate changes in progress in the best way and can say competently what the best political choice at a given moment is. The second “limited” anthropology admits that human being is erroneous both morally and intellectually. However, institutions, values, and cultural tradition of societies should impose restrictions on the scope of political choices in the name of subsidiarity and the common good. The right to make choices belongs therefore to every individual, not to elites. All decisions should be constantly verified by practice and efficiency of implementing the common good.

On the basis of principal documents of primary law (where both trends are present) and various EU institutions’ legislative practice (where the unlimited model is increasingly dominant), Gierycz leads his readers to the conclusion that since the end of the 1970s the attitude of the European elites to axiological issues has been undergoing a fundamental change. He calls it “the values reversal process.” According to the Author a gradual drifting away from interpretations in the discourse that go hand in hand with the natural law and the ancient and Christian moral tradition justified in

social utilitarianism, that is, by attempt to strengthen a legitimization of the European Union and its institutions (and its elites) as well as constructing the European identity in isolation from the traditional ties and national identities, was not successful. Dissociating oneself from interpretation of values align with the Christian tradition undermines the current foundation of the cultural cohesion in Europe.

Conclusions drawn from reading the book seem to be both optimistic and pessimistic. Introduction of new normative basis has been so far insufficient to build a sustainable social identity indispensable to implement the project of integrated Europe. Gradual disappearance of the European identity and renaissance of national identitarianism as well as strengthening trends to question normative interpretations promoted by the majority of the European elites and the European institutions poses a question on future of integration and the European identification and simultaneously opens new perspectives for research into the “limited” and “unlimited” anthropologies.

*Arkadiusz Wuwer*



*Klinika Dziennikarstwa — Credo*  
(Journalism Clinic — Credo) (multi-author publication)  
Eds. Kazimierz WOLNY-ZMORZYŃSKI, Katarzyna KONARSKA  
Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego,  
2016, 168 pp.

Increasingly today there seems to be no doubt that the mass media face a dilemma: whether to fulfill the public mission in their service or simply adjust to the mechanisms of free market in political conditions. Especially the latter dependence interferes with the media's mission. The media coverage of politics has a dual character. On the one hand, the media, managers, owners, and journalists pursue their political agenda in explicit or hidden manner, serving a selected political option, and on the other — politicians corrupt the media with their biases, influences, multiple interdependences, depriving them of their freedom and independence. All of the foregoing hinders the actualization of the universal public media mission (Michał Drożdż, pp. 30—31).

The reviewed study is a work of distinguished authors in the field of Poland's media studies. The authors agree on one matter, namely, that journalism needs to be reformed. That is why in the book's title appears the word — "clinic." What the authors illustrate in manifold ways is the thesis regarding journalism "which until recently has been the foundation of mass media activity, yet as a result of contamination of the environment with dangerous components of the modern world, above all commercialism, quantitative competition, information overload littering the minds of recipients, becomes an expensive ballast of media owners" (p. 9). That is why in the world of modern media the presence of wise and highly ethical journalists is irreplaceable, and not only of those who simply know their

trade. Journalism is therefore a “mission,” not just the production of media content. The foregoing premise corresponds very well with the Christian understanding of “the mission.” Hence, the contributors, being aware of the cultural changes taking place, ask themselves and the reader important questions. First of all: Is journalism still necessary in the communication era of the abundance of amateur internet footage? Secondly: Who and what are the journalists for? And thirdly: Is it worth put together a clinical team of specialists who would deal with saving journalism?

Surely, for those who gathered on 18th of March 2016 at the Institute of Journalism and Social Communication, University of Wrocław, the above-mentioned questions must have been answered unambiguously. For the general public, the citizens, that is, for us being the recipients of the media, journalism is an indispensable component determining the quality of public life, which warrants and safeguards the proper functioning of social life. Therefore, to remind you how important professional journalism is, following the initiative of Professor Kazimierz Wolny-Zmorzyński and Professor Jerzy Jastrzębski, the said “Journalistic Clinic” was established. The main task of the team of “clinicians” is to carefully examine the spiritual and moral condition of Polish journalism, diagnose particular diseases, and search for their etiologies, as well as to indicate the commensurate remedies. During the meeting of experts of the “Clinic” in the Institute of Journalism and Social Communication of the University of Wrocław, the problem was outlined, but no full diagnosis was made and no specific spiritual treatments were administered. However, what was underscored were the cases of serious spiritual illnesses of today’s man. From the proclamations and conference proceedings it also seems clear that the contributors issue a serious invitation to theologians, especially those specializing in evangelization and moral theology. It appears that it is not enough to simply receive a proper diagnosis (hence the subject of work — “clinic”!) — but ethics is necessary as a determinant of professionalism, which was particularly emphasized in its analysis of media ethics.

In the reviewed work, “new media myths” were given adequate attention to. In particular, the myth of media independence received a stringent criticism. Mythologization is understood here in a broader sense, as an attempt to treat certain issues and problems in a way that differs from reality. It is often claimed that the media is to be independent, which some important questions. The authors are asked namely: independent from what and whom? From politics, from ownership structures, from recipients’ ethos, from views and biases of journalists, from the selection structures of the so-called gate-keepers, from public opinion, from intended goals, from preferred worldview-axiological visions, ambitions and competition of journalists, from advertising, etc. Today we know for sure — and this is



clearly illustrated by the reviewed monograph, that the media function as the fourth estate within the structures of many dependencies. In the local community, the media operate under conditions of various dependences on local authorities: financial, political, in terms of prestige, etc. Some of them cannot be avoided, but the media will remain independent as long as all media dependences are subordinate to the major one, that is, on truth and honesty. It is the priority of the truth that makes the media independent and objective. This is also depicted in the herein reviewed work. It opens a very interesting discussion on the subject of evangelization and the need for true Christian conversion and true ecumenism.

*Alojzy Drożdż*



*Twarze świętości* (Faces of Sactity)  
Eds. Katarzyna DYBEŁ, Zofia ZARĘBIANKA. Kraków:  
Wydawnictwo Naukowe Uniwersytetu Papieskiego  
Jana Pawła II, 2016, 154 pp.

The book entitled *Twarze świętości* (Faces of sanctity) edited by Katarzyna Dybel and Zofia Zarębianka, is a collaborative work. It is also the fruit of the 10th annual John Paul II Days dedicated to the deepening and dissemination of the heritage of Saint John Paul II. Since 2006, the John Paul II Days have been organized by universities in Kraków and the rest of Lesser Poland region. The event's purpose is to popularize the teaching of the Holy Polish Pope and help us understand him better and get most comprehensive inspiration from him in both his personal and public life. The publication provides a reflection on the sanctity by the book's contributors who represent various scientific centres in Poland and abroad. A special value for these days is the large share of students from Kraków universities in this valuable academic event.

Sanctity, according to the authors, may be variously perceived and understood; for some people it is an impressive phenomenon able to attract, whereas other treat it with indifference or disrespect. It is also sometimes regarded as strange, unnecessary, and outdated, at times even treated by some as a life path that can be dangerous. It is also associated with wellbeing and care only for yourself, and on the contrary — with neglecting your own righteous interests, for instance, material ones, and with caring only for the wellbeing of your fellow men. Sanctity may also be seen as a rescue for the world, a hope for a successful future in the earthly life. All authors seem to be faithful to the idea that sanctity is feasible and absolutely necessary for every human being and today's world.

The novelty of the study is a very clear understanding of sanctity that does not separate the sacred and the profane. Particularly noteworthy are the presentations by Cardinal Stanisław Dziwisz: “John Paul II — Pope of the Prayer”, Stanisław Łucarz SJ: “Holiness and Testimony in Primary Christianity”, Grzegorz Przebinda: “Rus’ and Her Saints in the Slavic Teaching of John Paul II”, Michał Drożdż “John Paul II — the Views of the Beauty of Sanctity”, Marek Wójtowicz SJ: “The Courage of the Holiness of John Paul II”, Stanisław Grygiel: “The Master and the Disciple are Present for Each Other”; Katarzyna Dybel: “Loneliness as a Privileged Space of Sanctity”, and finally, Andrzej Kaźmierczak: “A Contemporary Entrepreneur as a Good Samaritan.”

The number of students participating in this conference is an evidence of the great attractiveness of the issues in question. It can therefore be said that the monograph is one of the important works after the beatification and canonization of John Paul II. This Holy Pope is a role model, a master, teacher, also when it comes to understanding human, temporal reality. Also noteworthy is the broad reference of the presented thoughts to the encyclical of John Paul II: *Redemptor hominis*, *Dives in misericordia*, encyclical on work and social life, exhortation about lay people, family, letters about the dignity of women, letters to journalists, and more broadly, to all those responsible for the mass media, artists, families, young people. These are just examples showing that John Paul II teaches successive generations to continue to perceive the holiness of God and His presence and the world today.

The content of the reviewed publication is a kind of “proof” that the sanctifying action of God in today’s world is possible. The God of holiness grants people very generous help in many different situations, such as when a person needs mercy, when they work, communicate information, grow up, in a family environment, etc. The intention of the authors was to show holiness as something possible and attractive for today’s man. Although the work does not aspire to be exhaustive when it comes to discussed issues, it is an interesting incentive for further exploration in this vital field. It is also a great encouragement and invitation to deepen the thoughts of Saint John Paul II and constantly read about new interpretation of his teaching?

“Sanctity seems to be a difficult goal, accessible only to people who are completely unique or for those who break away completely from the life and culture of a given era. [...] It is a gift and task for lay people as well as for monks and priests, in the private sphere, as in public activities, in the lives of individuals as well as families and communities” — said John Paul II in his address for the 13th World Youth Days in November 1997. And this message is still valid, especially when we talk about the lives of young people and we consider the future of the world with concern.

Jerguš OLEJÁR: *Cyril Jeruzalemský a Martin Luther  
Život, dielo a teológia Cyrila Jeruzalemského v porovnaní  
s teológiou Martina Luthera*  
(Cyril of Jerusalem and Martin Luther  
Life, Works and Theology of Cyril of Jerusalem  
in Comparison with Martin Luther's Theology)  
Liptovský Mikuláš: Tranoscius, 2009, 144 pp.

A book written by a Slovak theologian and Lutheran pastor Jerguš Olejár in 2009, is divided into two parts. The first one is a historical account of the times, life, and works of Saint Cyril of Jerusalem. The second part of the book constitutes a systematic scholarly work about the theological thought of Cyril of Jerusalem and Martin Luther.

In the beginning Olejár explains why he decided to compare these two theologians who lived in completely different centuries. There are many reasons, but the major one seems to be that Cyril brought his preached theology into life in a very difficult period of history. Yet, the period of Martin Luther's life was problematic, too. On the one hand Edict of Milan was issued by Cesar Constantin, which released Christianity from the previously suffered persecutions. On the other hand, however, there were intricate theological disputes about Christian dogmas taking place at the time. According to the author, in terms of the degree of dogmatic controversy, the historical period in question was comparable with the historical period of the 16th-century Reformation.

Another reason for juxtaposing Cyril of Jerusalem with Martin Luther are particular roots of Luther's thought. Martin Luther was powerfully inspired by the Early Church Fathers, one of whom was Saint Cyril of Jerusa-

lem. One may easily pinpoint this influence in his teaching on Christology. Yet, Cyril's Christological teaching is not the only foundation for father of the Reformation. One may enumerate here also the teaching about Trinity, teaching about the Sacrament of Baptism and Sacrament of Eucharist. And another common denominator is the fact that both the discussed theologians based their works on the Holy Scripture. The Bible was the primary source for both of them. They obviously considered it to be *norma normans* which is a basis for judging other principles, and it is called *norma normata* in theology.

Jerguš Olejár's *Cyril Jeruzalemský a Martin Luther* makes for a very enjoyable and rewarding read. The author puts forward a very fresh view of of Christianity and the history of Christian dogmas. What makes his book especially worthwhile, however, is an opportunity to better understand the Wittenberg chapter of the Reformation. This benefit was absolutely exceptional the year when the Jubilee of Reformation is celebrated.

*Lucjan Klimsza*

Jerzy SOJKA: *Czytanie Reformatora  
Marcin Luter i jego pisma*  
(Reading the Reformer:  
Martin Luther and His Writings)  
Wisła: Wydawnictwo Luteranin, 2017, 250 pp.  
[ISBN 978-83-930130-1-2]

The year 2017, in which the 500th anniversary of the Reformation is celebrated, entitles theologians, historians, ecumenists, and even politicians to probe into the literary legacy of Rev. Dr. Martin Luther. His oeuvre consists of more than 750 writings, 2,500 sermons, 12 volumes of letters, 6 volumes of “table speeches” and 12 volumes which are evidence of his work on the translation of the Holy Scripture into German. If you seek to better understand the Reformation, it is necessary to acquaint yourself with Martin Luther and his ideas. An invaluable help in this respect might be the newly published book — *Reading the Reformer. Martin Luther and His Writings* — dedicated to the output and life of the Reformer from Wittenberg. The book consists of two parts which are preceded by an introduction, and after the second part there is the bibliography which encompasses Martin Luther’s writings and the list of abbreviations.

The first part of the book discusses the Reformer’s academic debates on theological subjects. Among others, they deal with such issues as: the abilities of man and his will without [the action of] grace, forgiving the sins, vows, or the justification through faith (see Romans 3:28). The last debate concerns the defense of the fundamental truth of the Reformation theology, which says that the man is saved [justified] only owing to God’s benevolence, and not by his own efforts. Luther stressed that salvation is a gift of faith which changes the man and makes him able to perform good deeds.

Apart from *Luther's Small Catechism* and *Luther's Large Catechism*, an important place among the writings of the Father of the Reformation have the *Smalcald Articles* written in 1536. The second part of the book deals with the analysis of the *Smalcald Articles*, which are a kind of Luther's credo and theological testament. The author discusses in a very detailed way all the articles, starting from the first one concerning the Son of God and our salvation, and finishing with the analysis of the following subjects: how man is justified before God and on good deeds, as well as monastic vows and human traditions. In the article placed in-between the initial and the final one, the Reformer from Wittenberg focused on the following subjects: the Mass, collegiate churches and orders and convents, the papacy, the sin, the order, the penance, the Gospel, the baptism, the sacrament of the altar, the power of the keys, the confession, the excommunication, the ordain, the vocation, the marriage of priests and the Church. The *Smalcald Articles* are the third and last achievement in Luther's writings.

The entirety of the book *Reading the Reformer. Martin Luther and His Writings* is supplemented with the bibliography of the Wittenberger's texts and other texts used by the author concerning the discussed problem. Following the bibliography, there is a list of all the Reformer's writings translated into Polish.

In the times of ecumenical dialogue, which requires from both discussing parties a lot of humility and love, the presented articles by Luther are a very important question. Another important issue is the article "On the Mass." It is in this article where Luther says: "we are and we remain eternally divided and opposed the one to the other." According to the Reformer, this article is the "foundation stone of the teaching of the Church."

In my opinion the book *Reading the Reformer. Martin Luther and His Writings* will be appreciated by the Protestant community, as well as by Roman Catholics, who will get a good chance to familiarize themselves with the teaching of Luther. Since the book presents, in the person of Rev. Martin Luther, a marvelous picture of the "experienced faith."

It is my honour to recommend the work of Dr. Jerzy Sojka, the academic teacher of the Christian Theological Academy in Warsaw. His book *Reading the Reformer. Martin Luther and His Writings* should not only be a useful and informative source for the future generations about the "versatile individual" Luther was, but also a collection of knowledge invaluable in theological, ecumenical, and historical research performed by scholars and other persons interested in the subject in question.

Józef Budniak



Billy GRAHAM: „*Ewangelizator w rozdartym świecie*”  
*Studium ekumeniczne*  
 (“Evangelist and a Torn World.” Ecumenical Study)  
Ed. Adam PALION. [*Oecumenica Silesiana*, Vol. 1]  
Katowice 2015, 194 pp.

In 2015, volume one of an academic journal *Oecumenica Silesiana* was issued; its purpose is to promote the humanist, ecumenical, and social thought.

The volume is devoted to the figure of Billy Graham, an American Baptist evangelist, who in 1978 carried on evangelization in the Roman Catholic Archcathedral of Christ the King in Katowice.

The author of the first article in the volume is Wojciech Kowalewski (Evangelical School of Theology), who expands on the subject: “Billy Graham’s theology of mission — a biographical sketch.” The author draws attention to the role and the message of the evangelist, rooted in conservative circles of evangelical Protestantism.

Jerzy Rogaczewski (the Baptist Union of Poland) is the author of the second article: “Cross — at the centre of evangelization,” in which he presents B. Graham’s stay in the Upper Silesia in 1978, and a visit of Billy’s son, Franklin Graham, in 2014.

Another chapter was written by Mateusz Wichary (President of the Baptist Union of Poland): “Conversion as an ecumenical experience of the Cross in the message of Billy Graham.” The author presents a thesis that “the call to conversion made by B. Graham is an ecumenical experience of the Cross, which is still fundamentally important.”

Jerzy Sojka (Christian Theological Academy in Warsaw) deals with the issues related to the Word proclaimed in the theology of Martin Luther

and the later Lutheranism. In his article, the author analyzes the theological thought of Martin Luther, placing the issue of the Word proclaimed in a broader category of “the Word of God.” The author also points to the differences in interpretation and the role of the category of the Word between the theology of Luther and the reformative profession of faith it entails.

The author of the fifth article, Tomasz Józefowicz (School of Theology and Social Science in Warsaw), presents an article entitled: “A holistic mission of the Church as a multifaceted expression of the reality of the Cross. Overcoming the dichotomy between evangelism and social responsibility in the documents of the Lausanne Movement,” on the formation of the term “holistic mission,” that emerged among evangelical theologians in the 1970s. The author stresses that “the authentic mission of the Church should include both evangelism and social activity as its integral and inseparable components.”

“We preach Christ crucified” (1 Corinthians 1:23) as a common task of all Christians” is the title of a chapter written by scholar and lecturer of the Faculty of Theology of the University of Silesia in Katowice, Jan Górski.

Adam Palion, founder of the Ecumenical and Interfaith Dialogue Academy in Katowice is the author of the text: “Ecumenical aftermath of Billy Graham’s evangelization in Silesia.” He presents the history of evangelization in Katowice, starting with Billy Graham’s visit in 1978, which brought hope that the best way to unity is the Cross of Christ.

“Examples of cooperation of Churches in cultural and religious animation in Silesia” is the title of an article written by Henryk Olszar (University of Silesia in Katowice, Faculty of Theology). It describes the relationship between brothers and sisters in faith, represented in Silesia mainly by two denominations: Catholic and Evangelical-Augsburg. Relations between those Churches were not always as proper and friendly as they are in the 21st century. The author presents common ecumenical campaigns, which have contributed to meetings of brothers and sisters in Christ by giving a shared witness. The author provides examples of “Silesian ecumenical hope,” consisting in sharing the pulpit to preach the Word, organizing joint social initiatives of ecumenical nature and common prayers to God for the dawn of the one sheepfold.

In the article that follows, Bożena Cholewa (the Colonel Gwido Langer Technical School Complex in Cieszyn) addresses the subject: “European Union — a common cultural and religious heritage,” presenting an outline of the idea of unification of Europe over the centuries, starting with Herodotus, who lived approximately 484—425 BC, until the events of the 20th century: the Polish Solidarity movement, the Czech Velvet Revolution,” and “the toppling down of the Berlin Wall.”

In the final article, Marcin Imach (University of Silesia in Katowice) presents the historical situation of Christian families in the Middle East, with particular emphasis put on the period of the Crusades and the traditional Islamic period.

The publication is concluded with unauthorized texts of two evangelizations: by Billy Graham (from 1978) and Franklin Graham (from 2014).

*Adam Palion*



## Notes on Contributors

ALEKSANDER R. BAŃKA, Professor, PhD; philosopher, political scientist, assistant professor at the Institute of Philosophy of the University of Silesia in Katowice. Author of books (among others: *Désiré Merciera ogólna teoria pewności* (Desire Mercier's general theory of certainty), *Między krytyką a metafizyką. Studium filozofii Josepha Maréchala* (Between criticism and metaphysics. Study of Joseph Marechal's philosophy), *De angelis. Chrześcijańska nauka o aniołach w świetle doktryny Tomasza z Akwinu* (Christian teaching about angels in the light of the doctrine of Thomas Aquinas)), articles and audiobooks devoted to Christian philosophy and spirituality. His current research interests are: contemporary philosophy, epistemology, Christian philosophy and spirituality, Neo-Scholasticism, philosophy of religion, transcendental philosophy, philosophical aspects of mysticism. He cooperates with Radio eM, and *Gość Niedzielny*. Member of the Pastoral Council of the Archdiocese of Katowice and the President of the Commission for the Laity of the Second Synod of the Archdiocese of Katowice. The secular leader of the Spirituality Center of the Light-Life Movement in the Archdiocese of Katowice. In his personal life — a husband and father.

JÓZEF BUDNIAK, Professor, PhD; research worker and academic teacher at the University of Silesia in Katowice, Faculty of Theology (Department of Canon Law and Ecumenical Theology); former President of International Ecumenical Fellowship; member of Commission for Polish-Czech and Polish-Slovak Relations of the Polish Academy of Science; Chairman of the Society of Theologians of Ecumenism. Author of numerous books and studies on ecumenical theology and Church history, such as: *Jan Sarkander. Patron jednoczącej się Europy* (Jan Sarkander. The Parton of Uniting

Europe), Bytom—Cieszyn 1995; *XXVIII Międzynarodowy Kongres Eku-  
meniczny w Cieszynie. Ora et labora* (28th International Ecumenical Con-  
gress in Cieszyn. *Ora et labora*), Cieszyn—Bytom 1996; *200 lat kościoła  
w Brennej* (200th Anniversary of the Church in Brenna), Brenna—By-  
tom 1996; *Ekumenizm jutra na przykładzie Śląska Cieszyńskiego. Studium  
historyczno-pastoralne* (Ecumenism of Tomorrow Based on the Exam-  
ples of Cieszyn Silesia. Historical and Pastoral Study), Katowice 2002;  
*Jednoczeni w różnorodności. Tradycja cyrylo-metodiańska jako paradyg-  
mat procesu pojednania Kościołów, kultur i narodów* (United in Diversity.  
Cyrilo-Methodian Tradition as a Paradigm of the Unification Process of  
Churches, Cultures and Nations), Katowice 2009.

PAVOL DANCÁK, Professor, PhD, graduated from the Cyril and Metho-  
dius Roman Catholic Faculty of Theology in Bratislava in 1988, and  
in the same year received the priest's ordination. He worked as a pa-  
rish priest and in 1996 was appointed as a censor in beatification of  
Bishop Paul Peter Gojdič, and later also in the process of beatification  
of Bishop Vasil Hopko, Th.D. In 1995, he began to study philosophy at  
the Philosophical Faculty of Papal Theological Academy in Cracow. In  
2001, with the supervision of Professor Karol Tarnowski, he defended  
his postgraduate dissertation *The Issue of Education in Teaching of John  
Paul II*. On April 27, 2005, he attained the habilitation in history of phi-  
losophy with a book *Historical and Philosophical Reflections of Paideia  
in Works of Karol Wojtyła*, at the Faculty of Arts, University of Prešov  
in Prešov, and on January 29, 2011, he was appointed Professor of History  
of Philosophy. On August 1, 2002, he was employed as Vice-Dean for  
Development and External Relations Greek Catholic Theological Faculty  
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Alojzy DROŹDŹ, born in 1960 in Nowy Sącz. Primary school and first  
high school J. Długosz. Theological studies at the Theological Institute  
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ral work in Sędziszów Małopolski. From 1977 — doctoral studies at the  
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ond doctoral studies at the Lateran University (Academia Alfonsiana),  
with the second doctorate in ethics in 1985. From this year, he lectured  
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*Moral assessment of consumerism* in 1997. From this year — professor at the Institute of Family Sciences at the Catholic University of Lublin. Belvedere professorship in 2003. Head of the Department of Moral Theology and Catholic Social Teaching at the University of Silesia since 2002. Author of over 40 monographs and over 200 scientific articles in Poland and abroad. Recent publications; *CASES in the theological-moral perspective*, Unity, Kielce 2018; *To value morals with faith, hope and love*, Katowice 2018.

Michał DROŹDŹ, extraordinary professor, master of theology, MA and doctor of philosophy of science, doctor habilitated in social sciences in the field of media sciences, Pontifical University of John Paul II in Kraków, director of the Institute of Journalism and Social Communication at the Pontifical University of John Paul II in Kraków, Head of the Department of Media and Social Communication, director of the Academic Media Center, Dean of the Faculty of Social Sciences (from 1 September 2018); Editor-in-Chief of the *Studia Socialia Cracoviensia*; author of over a 200 articles and a 20 books in the field of media philosophy, media theory, media ethics, and philosophy of science; member of the Board of the Polish Society of Communication, Social and Chairman of the section “Axiology of communication” PTKS, deputy chairman of the Polish Association of Media and Journalistic Education, regular member of Polish and foreign scientific societies.

NICOLAE V. DURĂ, Professor, JD, born in 1945 in Romania. He obtained his Bachelor's and Master's degrees in theology from the Theological Institute of University Rank in Bucharest; followed by PhD in Canon Law (1981) in the same University after completing his PhD studies and research in the field of Canon Law in Ethiopia; doctoral and postdoctoral studies and research in France (Catholic Institute and Sorbonne University of Paris) and in Greece (Aristotelian University of Thessaloniki). In 1997 he obtained a degree of Doctor in Canon Law at the Pontifical University of Toulouse (France); and in 2002 — Doctor Honoris Causa granted by the Humanist Sciences University of Ostrog (Ukraine); 2010 — Doctor Honoris Causa — the St. Kliment Ohridski University of Sofia (Bulgaria); 2015 — Doctor Honoris Causa — the Ivane Javakhishvili State University from Tbilisi (Georgia). Professor Emeritus of the Ovidius University of Constanța (2012—). He is a member of the following scholarly organizations: Academy of Romanian Scientists, Society of the Law of the Oriental Churches, based in Vienna; the International Consortium for Law and Religion Studies, Faculty of Law, University of Milan. Professor of Theological Institute of University Rank in Bucharest (1976—2001) and Pro-

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ZBIGNIEW JANCZEWSKI, Professor; the graduate of Papal Theological Academy in Kraków and the Academy of Catholic Theology in Warsaw. He holds master's degrees and a graduates with a bachelor's degree of the sexton from theology, the PhD, professor of jurisprudence in canon law and the title of the professor of jurisprudence. Academic teacher of many years at the Department of the Canon Law of the Academy of Catholic Theology and the University of Cardinal Stefan Wyszyński in Warsaw, professor of the Law on Sacraments. The author and the co-author of several dozen academic publications. Judge of Metropolitan Court in Katowice, the member of Consociatio internationalis studio iuris canonici promovendo and the Association of Polish canon law scholars.

JACEK KURZĘPA, Professor, PhD, born on October 5, 1961, in the Lubusz Land, sociologist, who long ago perfected his academic skills as an educator. After some time, as a result of “intellectual drift,” and as a consequence of the tumultuous changes over the transformation period in Poland, he went over to social sciences while not losing the pedagogical sensitivity. In his academic work, he focuses on sociology of adolescence, accompanying adolescents participating in various movements and at different places, be it during the “Woodstock Station” Festival, Przystanek Jezus, Campo Bosco or in the Bolków Castle. He studies young people and advances theses and proposes interpretations of both — themselves and the world they inhabit. The creator of a concept related to prevention programmes, analyses and monitoring of the phenomena of young generation dysfunctional and risk behaviours, called Falochron (breakwater), that was implemented and realized over the years 2006—2009 in



Lower Silesia, as part of a project aimed at counteracting juvenile prostitution. Additionally, since 2010 he has been co-authoring the Falochron programme for Silesia (<http://falochron.metis.pl/>). He is an implementer of diagnoses in a great many local governmental units, related to the threats following drug usage and alcohol consumption among adolescents, the so-called monitoring of threats posed by psychostimulants in local communities. In October 2015 he has been elected a member of the lower chamber of the Polish parliament (Sejm). Among his significant publication are: *Młodzież pogranicza — Juma* (The Youth who Live at the Borderline — Juma) (Zielona Góra 1998), *Młodzież pogranicza — świnki* (The Youth who Live at the Borderline — Świnki) (Kraków 2001), Falochron. *Zintegrowany program wczesnej profilaktyki wobec zachowań ryzykownych dzieci i młodzieży* (Falochron — An Integrated Early Prevention Programme in the Face of Children and Adolescent's Risk Behaviour) (Wrocław 2006), *Zagrożona niewinność* (Threatened Innocence) (Wrocław 2007), *Socjopatologia pogranicza* (Sociopathology of the Borderland) (Zielona Góra 2007), *Młodzi, piękne i niedrodzy...: młodość w objęciach seksbiznesu* (Young, Beautiful and Inexpensive. Adolescence Embraced by Sex Business) (Kraków 2012).

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DAMIÁN NĚMEC, born in 1960 in Boskovice (Czech Republic, Moravia), his mother tongue is Czech. Dominican since 1986, ordained priest in 1991, in the years 1998—2002 he served as a provincial of the Czech Dominican Province. Assistant Professor at the Palacky University in Olomouc, teaching canon law and ecclesiastical law at the Faculty of Theology and at the Faculty of Philosophy. Research worker at the Faculty of Law, University of Trnava (Slovak Republic). Translator of several official documents of the Catholic Church into Czech. Translator of liturgical texts of the Catholic Church into Czech. Member of the Canon Law Society (Prague) and its Institute of Ecclesiastical Law. A member of *Consociatio Internationalis Studio Iuris Canonici Promovendo* (Roma), *Societe International de Droit Canonique et de Legislations Religieuses Comparees* (Paris), *International Consortium for Law And Religion Studies (ICLARS)* (Milano) and the *European Society for History of Law* (Brno).

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WOJCIECH ŚWIĄTKIEWICZ, Professor, PhD, full professor of sociology at the University of Silesia, Katowice and at the Constantine the Philosopher University, Nitra. Director of the Institute of Sociology. His main fields of scientific research is sociology of family, sociology of religion and sociology of culture. In recent years he published for example: *Rodzina w sercu Europy. Rybnik — Nitra — Hradec Kralove — Szeged. Socjologiczne studium rodziny współczesnej (Family in the heart of Europe. Rybnik — Nitra — Hradec Kralove — Szeged. A sociological study of contemporary family)* (2009), (*Więzi międzypokoleniowe w rodzinie i w kulturze/Intergenerational bonds in family and culture*) (2012), *Między sekularyzacją i deprivatyzacją. Socjologiczne refleksje wokół polskiej religijności w kontekście europejskim (Between secularization and deprivatisation. Sociological reflections on Poland religiousness in the European context)* (2010).

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