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Love Builds Communion between Persons (UUS, n. 21) Christological-Ecclesiological Key to Confirm the Identity of Marriages of Baptised Non-Catholics

Abstract: The words derived from the *Ut unum sint* encyclical as well as the fruits of the newest research by theologians (among others the members of the International Theological Commission) on the meaning of the Catechism formula of Christian Marriage: “the Sacrament of Faith in the Service of Communion” — became an inspiration to attempt to verify the assumptions confirming the sacramental Identity of Marriages of Baptised Non-Catholics. The author assumes that the today’s challenge for the study of canon law should be to explore more the subject matter of the “the mystery of communion” (UUS, n. 5) in all the complexity of its detailed issues, including the development of relevant conclusions in the canonical (lawmaking) and canonical-pastoral (application of the law) spheres. This is in the name of the rule that church legislation, especially in clarifying key/systemic issues — and among such is the issue of the universality of Bellarmine’s principle of *eo ipso sacramentum* — is always based on the widely adopted theological foundations.

Keywords: ecclesiology, canonical matrimonial law, the mystery of communion, sacrament of matrimony, the mission of the “domestic Church”, the *eo ipso sacramentum* principle, marriage of baptised non-Catholics

1. *Unitas/communio* — at the roots of the truth about the Sacrament of Matrimony

The passus opening with the words referred to in the title (in full: “Love builds communion between persons and between Communities”), and crowned with a proclamation: “Love is the great undercurrent which gives life and adds vigour to the movement towards unity”¹ did not go unnoticed among experts of various denominational backgrounds, commentators on the Catholic Church’s first-ever encyclical on ecumenical commitment *Ut unum sint* (1995). Indeed, as it has been shown, John Paul II, in issuing the epochal document, wanted to seal with papal authority the fruits and direction of the reception² of the conciliar decree on ecumenism *Unitatis redintegratio*³ to date, but it is the message of Love,⁴ having its Source in the Communion of the Divine Persons — “as the perfect source of communion” — that lies at the heart of the ecumenical testament of the great successor of St. Peter at the dawn of the third millennium: the way of the Church is “the way of ecumenism,”⁵ “the path of unity and communion between Christians, a path difficult but so full of joy.”⁶

If John Paul II evokes the memorable words of the conciliar decree on the “movement toward unity” in which those “who invoke the Triune

¹ JOHN PAUL II: *Encyclical Letter on Commitment to Ecumenism “Ut unum sint”* [25.05.1995] [hereinafter: UUS], n. 21.

² J.M.R. TILLARD: “Du décret conciliaire sur l’œcuménisme à l’encyclique ‘Ut unum sint’.” *Documentation catholique* 92 (1995), pp. 900—903; cf. J. PANAGOPOULOS: “Ut unum sint. Remarques sur la nouvelle encyclique pontificale: point de vue orthodoxe.” *Concilium* 261 (1995), pp. 173—176; A. BORRAS: “Ut unum sint: une encyclique por les chrétiens en voie de réconciliation.” *Ephemerides Theologicae Lovanienses* 72 (1996), no. 4, pp. 349—370.

³ VATICAN COUNCIL II: *Decree on Ecumenism “Unitatis redintegratio”* [21.11.1964] [hereinafter: UR].

⁴ The final words of a Catholic expert’s commentary at the time remain telling: “Zuerst soll die Liebe unter den Christen wiederhergestellt werden, und das kann nicht mit Worten oder Formeln geschehen, sondern nur durch Taten.” J. VAN DER PLOEG: “Zur ökumenischen Enzyklika von Johannes Paul II. ‘Ut unum sint’, vom 5. Mai 1995.” *Theologisches* 25 (1995), no. 9, col. 411. Interestingly, a similar expert voice flowed from the Reformation churches (with an earlier citation of this key passages of the encyclical): “[...] l’amour est un concept exigeant et magnifique en œcuménisme, et que Jean-Paul II l’utilise.” N. CHARRIÈRE: “Étude critique: réflexions œcuméniques autour de l’encyclique ‘Ut unum sint’.” *Revue de Théologie et de philosophie* 131 (1999), p. 285.

⁵ UUS, n. 7.

⁶ *Ibidem*, n. 2.

God and confess Jesus as Lord and Savior”⁷ participate, he at the same time emphasises the obligatory nature of this universal work of Christ’s Church: “as a duty of the Christian conscience enlightened by faith and guided by love.”⁸ Indeed, the dynamics of unity that Christ gave to his Church ultimately turns out to be dynamics of love. Here the Pope’s enunciation that unity which “stands at the very heart of Christ’s mission” is nothing less than “an expression of the whole depth of [the divine] *Agape*.”⁹ The papal clarification in this nodal section of the *Ut unum sint* encyclical leaves no doubt: “Here [...] we can apply the words of Saint Paul to the first Christians of Rome: ‘God’s love has been poured into our hearts through the Holy Spirit’; thus our ‘hope does not disappoint us’ (*Rom* 5:5). This is the hope of Christian unity, which has its divine source in the Trinitarian unity of the Father, the Son and the Holy Spirit.”¹⁰

The same prophetic evangelism, as a current of thinking about the Church, carries “the community character of hope” (Italian: “il carattere comunitario della speranza”)¹¹ remains close to the heart of Benedict XI, which he solemnly expresses on the occasion of *establishing* the Pontifical Council for Promoting the New Evangelisation. In the Apostolic Letter *Ubicumque et semper* issued for the occasion, he treats this ecclesiastical journey “to finding together again in a union” (Italian: “ritroviarsi di nuovo insieme in un’unione”)¹² in terms of a dynamic (personal and communal) response to the inestimable gift of Love. “As I stated in my first Encyclical *Deus caritas est*: ‘Being Christian is not the result of an ethical choice or a lofty idea, but the encounter with an event, a person, which gives life a new horizon and a decisive direction’ (n. 1). Likewise, at the root of all evangelization lies not a human plan of expansion, but rather the desire to share the inestimable gift that God has wished to give us, making us sharers in his own life.”¹³

⁷ UR, n. 1

⁸ UUS, n. 8.

⁹ Ibidem, n. 9.

¹⁰ Ibidem.

¹¹ BENEDICT XVI: *Encyclical Letter on Christian Hope “Spe Salvi”* [30.11.2007], n. 14.

¹² Ibidem.

¹³ BENEDICT XVI: *Apostolic Letter in the Form of Motu Proprio Establishing the Pontifical Council for Promoting the New Evangelization “Ubicumque et semper”* [21.09.2010], http://www.vatican.va/content/benedict-xvi/en/apost_letters/documents/hf_ben-xvi_apl_20100921_ubicumque-et-semper.html [accessed 23.02.2022]; cf. G. GÄNSWEIN: “Neuevangelisierung. Weg und Herzmitte der Kirche in unserer Zeit.” In: *Theologia Iuris Canonici. Festschrift für Ludger Müller zur Vollendung des 65. Lebensjahres*. Eds. CH. OHLY, W. REES, L. GEROSA. [Kanonistische Studien und Texte, Bd. 67]. Berlin 2017, p. 51.

Today, perceiving the Church as “a community of missionary disciples” and “an evangelizing community”¹⁴ — on the ground of Revelation (with St. Paul’s beautiful Christian testimony: “‘The love of Christ urges us on’ /2 Cor 5:14/; ‘Woe to me if I do not proclaim the Gospel’ /1 Cor 9:16/”¹⁵) and around the Vaticanum II pastoral paradigm: *communio*¹⁶ — Pope Francis links to the missionary-ecumenical “contribution to the unity of the human family.”¹⁷ It is not difficult to see that this last statement, contained in his first post-synodal exhortation *Evangelii gaudium*, resonates with and somehow foreshadows the Pope’s contemplation (listening to the synodal fathers¹⁸) in the subsequent post-synodal document: *Amoris laetitia*.¹⁹ It is about the relevant sections of this exhortation,²⁰ referring to John Paul II’s famous manifesto from the Letter to Families *Gratissimam sane*: the family is “the way of the Church”²¹ along with the announcement of the great²² encyclical on marriage *Familiaris consortio*,²³ that “the future of evangelization depends in great part on the ‘Church of the home’.”²⁴

¹⁴ FRANCIS: *Apostolic Exhortation “Evangelii gaudium”* [24.11.2013] [hereinafter: EG], n. 24.

¹⁵ Ibidem, n. 9.

¹⁶ Ibidem, nn. 14—15.

¹⁷ Ibidem, n. 245.

¹⁸ Cf. SYNOD OF BISHOPS. XIV ORDINARY GENERAL ASSEMBLY: *The Final Report: The Vocation and Mission of the Family in the Church and in the Contemporary World* [24.10.2015], nn. 42—46, https://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20151026_relazione-finale-xiv-assemblea_en.html [accessed 23.02.2022].

¹⁹ FRANCIS: *Apostolic Exhortation “Amoris laetitia”* [19.03.2016] [hereinafter: AL].

²⁰ Ibidem, nn. 63, 67—75, 120—121.

²¹ JOHN PAUL II: *Letter to Families “Gratissimam sane”* [2.02.1994] [hereinafter: GrS] n. 2; AL, n. 69.

²² See A. PASTWA: “Marriage Covenant in Catholic Doctrine: The *Gaudium et Spes* Pastoral Constitution on the Church — the Apostolic Exhortation *Familiaris Consortio* — the Code of Canon Law — the Code of Canons of the Eastern Churches.” In: *Marriage covenant — paradigm of encounter of the “de matrimonio” thought of the East and West. Ecumeny and Law 1* (2013), pp. 103—109.

²³ JOHN PAUL II: *Apostolic Exhortation “Familiaris consortio”* [22.11.1981] [hereinafter: FC].

²⁴ Ibidem, n. 52. The Synodal fathers reasonably attribute the earlier highlighting of this truth (about the ontic-functional relationship between the family and the Church) to Pope Paul VI: “One cannot fail to stress the evangelizing action of the family in the evangelizing apostolate of the laity. At different moments in the Church’s history and also in the Second Vatican Council, the family has well deserved the beautiful name of ‘domestic Church.’ This means that there should be found in every Christian family the various aspects of the entire Church. Furthermore, the family, like the Church, ought to be a place where the Gospel is transmitted and from which the Gospel radiates.” PAUL VI: *Evangelii Nuntiandi* [8.12.1975], n. 71; SYNOD OF BISHOPS. XIV ORDINARY GENERAL ASSEMBLY: *The Final Report...*, n. 43.

The conclusions of the conciliar and post-conciliar doctrine on the relationship between the sacramental marriage/family and the Church are summarised by Pope Francis in the following statement: “The spousal covenant, originating in creation and revealed in the history of salvation, takes on its full meaning in Christ and his Church. Through his Church, Christ bestows on marriage and the family the grace necessary to bear witness to the love of God and to live the life of communion.”²⁵

This teaching of Pope Francis, rich, of course, also with the richness of the ideas of his predecessors in the Holy See (especially St. John Paul II), gave the final impetus to the words of the title: Love Builds Communion between Persons (and Communities).²⁶ It is precisely this “programmed” by the redemptive work of Christ universal dynamic of building *unitas/communio*, which, by means of the Holy Spirit, the Giver of gifts and charisms, is inscribed in the heart of the Church-sacrament²⁷ (“Community of communities”²⁸), that constitutes the ecclesial-pastoral²⁹ paradigm

²⁵ AL, n. 63. With the guiding layer of this conclusion resonates a further passage of the exhortation, bearing the title “The sacrament of matrimony”: “Jesus, who reconciled all things in himself and redeemed us from sin, not only returned marriage and the family to their original form, but also raised marriage to the sacramental sign of his love for the Church (cf. *Mt* 19:1—12; *Mk* 10:1—12; *Eph* 5:21—32). In the human family, gathered by Christ, ‘the image and likeness’ of the Most Holy Trinity (cf. *Gen* 1:26) has been restored, the mystery from which all true love flows. Through the Church, marriage and the family receive the grace of the Holy Spirit from Christ, in order to bear witness to the Gospel of God’s love.” Ibidem, n. 71.

²⁶ Cf. UUS, n. 21. Finally, it is worth noting that in the *Amoris laetitia* exhortation, Pope Francis emphasises the importance of John Paul II’s statements from the exhortation *Familiaris consortio* in the section under the title “Love as the Principle and Power of Communion”, pointing to the dynamism flowing from the sacramental covenant of conjugal love: “[...] an unceasing inner dynamism leading the family to ever deeper and more intense communion, which is the foundation and soul of the community of marriage and the family.” AL, n. 196.; FC, n. 18; cf. A. PASTWA A.: „Przymierze miłości małżeńskiej”. *Jana Pawła II idea małżeństwa kanonicznego*. Katowice 2009, pp. 70—80

²⁷ A 2018 International Theological Commission document reads: “Gathered by the Father, in the outpouring of the Holy Spirit the Church becomes the living sacrament of Christ.” INTERNATIONAL THEOLOGICAL COMMISSION: *Synodality in the Life and Mission of the Church* (2018), n. 109a http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html [accessed 23.02.2022]. Earlier, the Commission specifies: “The Holy Spirit brought into being and shaped the communion and mission of the Church, the Body of Christ and the living Temple of the Spirit (cf. *John* 2,21; 1 *Corinthians* 2,1—11). »To believe that the Church is ‘holy’ and ‘Catholic’, and that she is ‘one’ and ‘apostolic (as the Nicene Creed adds), is inseparable from belief in God, the Father, the Son, and the Holy Spirit (*Catechism of the Catholic Church*, 750)«.” Ibidem, n. 44.

²⁸ Cf. EG, no. 28.

²⁹ The intention of preparing the present study is related to the perception of the contemporary mission of the theologian-canonist — according to the paradigm of “com-

for viewing the sacramental covenant of marital and family love. It defines in community dimension, both evangelistic and missionary-ecumenical — on the basis of a natural relational-personal structure: the indissoluble union of a man and a woman³⁰ — the fundamental vocation of Christian spouses/parents, as St. John Paul II prophetically taught about the Church entering the third millennium: “to spread the mystery of communion” (*Ut unum sint*)³¹ and “to make the Church the home and the school of communion” (*Novo millennio ineunte*).³²

2. Christian Marriage: the Sacrament of faith in the service of communion

An important programme passage of the recent document of the International Theological Commission *The Reciprocity between Faith and*

munal” thinking about the Church — In such an approach to the not easy Christian dialogue, which above the finesse of scientific disputes (with all due respect to the invaluable results of the research of the theorists of ecumenism) value more the search for (and proposal of) solutions to real problems of pastoral nature. After all, a canonist can never abstract from the important instruction of John Paul II, formulated in his famous address to the Roman Rota: “The juridical and the pastoral dimensions are united inseparably in the Church.” JOHN PAUL II: *Address to the Tribunal of the Roman Rota* [18.01.1990], n. 4, https://www.vatican.va/content/john-paul-ii/en/speeches/1990/january/documents/hf_jp-ii_spe_19900118_roman-rot.html [accessed 23.02.2022]. What is worth emphasising at the same time, the said papal *memento* is firmly rooted in the conciliar ecclesiology of *communio*: “The pastoral nature of [canon law], that is, its function within the salvific mission of the pastors of the Church and the entire People of God, [...] finds a solid basis in conciliar ecclesiology.” Ibidem, n. 2; cf. FRANCIS: *Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year* [24.01.2014], https://www.vatican.va/content/francesco/en/speeches/2014/january/documents/papa-francesco_20140124_rot-romana.html [accessed 23.02.2022]. Cf. also J.M.R. TILLARD: “Ecclesiology of Communion and Canon Law. The Theological Task of Canon Law: A Theologian’s Perspective.” *CLSA Proceeding* 58 (1996), pp. 24—34.

³⁰ JOHN PAUL II: *Address to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota* (February 1, 2001), nn. 4, 8, https://www.vatican.va/content/john-paul-ii/en/speeches/2001/february/documents/hf_jp-ii_spe_20010201_rot-romana.html [accessed 23.02.2022]; see also IDEM: *Discorso ai Membri del Tribunale della Sacra Romana Rota* (28 gennaio 1982), https://www.vatican.va/content/john-paul-ii/it/speeches/1982/january/documents/hf_jp-ii_spe_19820128_sacra-rot.html [accessed 23.02.2022].

³¹ UUS, n. 5.

³² JOHN PAUL II: *Apostolic Letter to the Bishops Clergy and Lay Faithful at the Close of the Great Jubilee of the Year 2000 “Novo millennio ineunte”* [6.01.2001], n. 43, https://www.vatican.va/content/john-paul-ii/en/apost_letters/2001/documents/hf_jp-ii_apl_20010106_novo-millennio-ineunte.html [accessed 23.02.2022].

Sacraments in the Sacramental Economy (2020)³³ announces the theologians' detailed reflection on Christian marriage³⁴ contained in the core of the document. What appears under the section *Faith and the Sacraments of Faith* (according to the systematisation of the *Catechism of the Catholic Church*³⁵) is a discourse entitled *Sacraments in the Service of Communion*, culminating in point 77 with a kind of a guiding statement: "Those who have been born again of water and the Spirit also exercise their common priesthood (cf. LG 10), which is inseparable from the life of faith, in the love they profess to each other as spouses. The love publicly professed by husband and wife is a sacred bond with which they make Christ's love for us His Church historically visible and present in the world. In this way and thanks to marriage, the Christian community grows, and children are begotten. They are the fruit of love who, by breathing faith in the family, increase the number of members of the Body of Christ. Thus, the family becomes the domestic Church, the preponderant place for the reception, expression, and living of faith."³⁶

The detailed issues of a dogmatic nature evoked by this quote best convey the importance of the document, which, as the fruit of six years of expert work on exploring the relationship between faith and the sacraments, represents a significant achievement of the most recent theology. To find out, we only need to trace recent publications by Commission members, such as: Thomas Bonino (Secretary of the Commission),³⁷ Gabino Uríbarri

³³ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments in the Sacramental Economy* (2020), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20200303_reciprocita-fede-sacramenti_en.html [accessed 23.02.2022].

³⁴ *Ibidem* [4. The Reciprocity between Faith and Marriage], nn. 132—182.

³⁵ "Two [...] sacraments, Holy Orders and Matrimony, are directed towards the salvation of others; if they contribute as well to personal salvation, it is through service to others that they do so. They confer a particular mission in the Church and serve to build up the People of God."

Catechism of the Catholic Church [11.10.1992], [hereinafter: CCC], n. 1534, https://www.vatican.va/archive/ENG0015/_INDEX.HTM [accessed 23.02.2022].

³⁶ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 77.

³⁷ S.-TH. BONINO: "Un parere della Commissione Teologica Internazionale: il matrimonio tra battezzati non credenti." *L'Osservatore Romano*, ed. quotidiana, Anno CLX, n. 51, 2—3/03/2020, p. 7; IDEM: "Matrimonio naturale in società scristianizzate (parla il decano dell'Angelicum)." *Aleteia*, pubbl. 9.03.2020, <https://it.aleteia.org/2020/03/09/serge-thomas-bonino-matrimonio-fede/> [accessed 23.02.2022].

Bilbao³⁸ Karl-Heinz Menke,³⁹ Krzysztof Gózdź,⁴⁰ and outside the Commission, for instance José Granados,⁴¹ until recently the vice-president of the Pontifical John Paul II Theological Institute for Marriage and Family Sciences at the Lateran University in Rome. Thus, today's challenge for the study of canon law should be to re-explore the subject matter in all the complexity of its detailed issues, including the development of relevant conclusions in the canonical (lawmaking) and canonical-pastoral (application of the law) spheres.⁴² This is in the name of the rule that church legislation, especially in clarifying key/systemic issues — and among such is the answer to the question of what lies behind the catechism's depiction Christian marriage: as the sacrament of faith in the service of communion, in the doctrinal context of the *eo ipso sacramentum*⁴³ principle — is always based on generally accepted theological assumptions.⁴⁴

³⁸ G. URÍBARRI BILBAO: "La ruptura entre la fé y los sacramentos en la iniciación cristiana: perplejidades y caminos." *Pastoral Litúrgica: documentación información* (2018), no. 360, pp. 13—38; IDEM: "Significato e piano del documento 'Reciprocità tra fede e sacramenti nell'economia sacramentale.'" *L'Osservatore Romano*, ed. quotidiana, Anno CLX, n. 51, 2—3/03/2020, p. 7; "Matrimonio in assenza di fede, documento della Commissione Teologica (Intervista con il teologo gesuita Gabino Uríbarri Bilbao)." *Vatican News*, pubbl. 3.03.2020, <https://www.vaticannews.va/it/vaticano/news/2020-03/gabino-uribarri-bilbao-intervista-matrimonio-fede-sacramenti.html> [accessed 23.02.2022].

³⁹ K.-H. MENKE: *Sakramentalität: Wesen und Wunde des Katholizismus*. Regensburg 2020⁴; IDEM: "Kann es einen Segen für alle geben?" (Text verfasste für die Deutsche Bischofskonferenz). *Die Tagespost*, 8.01.2021, <https://www.die-tagespost.de/kirche/weltkirche/kann-es-einen-segen-fuer-alle-geben-art-214954> [accessed 23.02.2022].

⁴⁰ K. GÓZDŹ: "Teologiczne rozumienie małżeństwa osób ochrzczonych a niewierzących." *Roczniki Teologiczne* 66 (2019), no. 2, pp. 19—34.

⁴¹ J. GRANADOS: "The sacramental Character of Faith: Consequences for the Question of the Relation between Faith and Marriage." *Communio* 41 (2014), pp. 245—268; IDEM: *Tratado general de los sacramentos*. Madrid 2017; IDEM: "Cuerpos sacramentales: cómo abrir espacios cristianos en la era secular." *Revista española de teología* 78 (2018), pp. 101—126.

⁴² It is worth noting the statement of the mentioned Commission member G. Uríbarri Bilbao: "Noi cerchiamo di illuminare questo problema complesso dal punto di vista della teologia dogmatica, ciò che è il primo passo. La regolamentazione canonica della celebrazione e della validità del sacramento del matrimonio si deduce dalla verità dogmatica dello stesso. Se la dottrina che proponiamo viene accettata, ai canonisti toccherà strutturarne la traduzione giuridica nei processi di nullità." Immediately, however, the author adds: "Ciò nonostante, desidero sottolineare che il nostro documento ha inteso tener presente la saggezza che il diritto canonico raccoglie, quale scienza sacra." ("Matrimonio in assenza di fede...").

⁴³ Cf. W. GÓRALSKI: "Nierozdzielność ważnej umowy małżeńskiej zawartej między ochrzczonymi i sakramentu (kan. 1055 § 2 KPK i kan. 776 § 2 KKKW)." *Ius Matrimoniale* 12 (2007), pp. 15—20.

⁴⁴ This is, among other things, the quintessence of the position of the Pontifical Commission for the Revision of the Code of Canon Law of 1977 — *Communicationes*

Entering while reflecting such a delineated key area: Christian Marriage — domestic Church, the path followed by the International Theological Commission (measuring the achievements of recent theology by the test of fidelity to the hermeneutic of renewal in the continuity⁴⁵), must first mean focusing attention on the Christological paradigm,⁴⁶ marked by the title: “The Incarnation: Center, Summit, and Key to the Sacramental Economy.”⁴⁷ If it is true that the sacraments combine the essential aspects and dimensions of the life of the Church, it is impossible to pass over the fact that Jesus Christ is the foundation and source of all sacramentality, which then extends to the various sacramental signs that give birth to the Church.⁴⁸ This nodal thread of theological reflection is summarised by the Commission as follows: “The sacramental logic, inscribed in the Trinitarian revelation, is extended and condensed in the sacraments, in which

9 (1977), p. 122; cf. INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 155.

⁴⁵ BENEDICT XVI: *Address to the Roman Curia* [22.12.2005], https://www.vatican.va/content/benedict-xvi/en/speeches/2005/december/documents/hf_ben_xvi_spe_20051222_roman-curia.html [accessed 23.02.2022].

⁴⁶ Concisely speaking, it is about — falling within the conciliar trend of the renewal of theology — the idea of a close relationship between sacramentology and Christology, and consequently — with ecclesiology.

⁴⁷ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 30—32. In order to clarify — as part of a wider subject area: “The Trinitarian God: Source and End of the Sacramental Economy” and with the former highlighting of the issue: “The Trinitarian Foundation of Sacramentality”. *Ibidem*, nn. 16—21.

⁴⁸ “God’s desire to give Himself acquires its unsurpassable summit in Jesus Christ (cf. DV 2). By virtue of this hypostatic union (cf. DH 301-2), the humanity of Christ, true man, ‘who has similarly been tested in every way, yet without sin’ (Heb 4:15), is the humanity of the Son of God, of the eternal Word incarnate ‘for us and for our salvation’ (DH 150). Recent theology affirms that Jesus Christ is the primary sacrament (Ur-Sakrament) and the key to the sacramental structure of salvation history. In summary, we discover in Jesus Christ that the divine economy of salvation is sacramental because it is incarnational. For this reason it can be truly affirmed that ‘the sacraments are at the center of Christianity. [...]’ For in Jesus Christ, as the summit and the fullness of salvific time (Gal 4:4), there is the closest possible unity between a creaturely symbol, His humanity, and what is symbolized: the saving presence of God in His Son in the midst of history.” INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 30. This thought is developed in a recent statement by Karl-Heinz Menke, a member of the International Theological Commission: “Nur Christus ist die Selbst-Aussage Gottes. Die Exegese des Alten und des Neuen Testaments ist nur insofern Theologie, als sie der Christologie dient. Analoges gilt auch von allen anderen Disziplinen einer theologischen [...] Fakultät: von der Dogmatik und der Fundamentalt-heologie, von der Pastoraltheologie, der Liturgiewissenschaft oder dem Kirchenrecht.” K.-H. MENKE: “Theologie ist Christologie.” *Die Tagespost*, 15.08.2020, <https://www.die-tagespost.de/kultur/bildung/karl-heinz-menke-theologie-ist-christologie-art-211010> [accessed 23.02.2022].

Christ makes Himself present in a particularly intense way (SC 7). The sacramental structure and logic of faith rest on Jesus Christ, the Incarnate and redeeming Word.”⁴⁹

Two other threads of Part 1 of the document of the International Theological Commission define the doctrinal horizon of the previously quoted argument from No. 77, which can reasonably be described as an ideological declaration *de sacramento matrimonii et familiae*. The first thread, affirming the Christological basis of the entire sacramental reality — including the truth that the sacramental gift of Christ (with the mediating and creative role⁵⁰ of the Holy Spirit) finds its continuation primarily in the seven sacramental signs⁵¹ — skillfully embeds the said dynamic reality of the divine economy in the sacramentality of the Church. The following passage attest to this: “The historical tangibility of grace, which has been made present in history in Jesus Christ, remains (in a privileged, but indirect way) through the work of the Holy Spirit. The being of the Church has a visible and historical structure that serves the transmission of invisible grace, which she herself receives from Christ and transmits thanks to the Spirit. There is a remarkable analogy between the Church and the Incarnate Word (cf. LG 8; SC 2). From these premises, contemporary theology has deepened our understanding of the Church as the fundamental sacrament (*Grund-Sakrament*), in a similar vein to how Vatican II understands the Church as the universal sacrament of salvation. As a sac-

⁴⁹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 31.

⁵⁰ The weighty role of the Holy Spirit in making the sacramental economy real gives an impulse to define the Church: not only as a Christological- but also as a Pneumatological Reality: “As a creature who abides in the Trinity, that is, “the people united” within the unity of the Father, of the Son, and of the Holy Spirit,” [33] the Church has an intimate relationship not only with the Incarnate Word, to the point of being able to say that she truly is the Body of Christ (cf. LG 7), but also with the Holy Spirit. And this is true not only because the Spirit, the great gift of the Risen One (cf. Jn 7:39; 14:26; 15:26; 20:22), is at work in her constitution (cf. LG 4), dwells within her and in the faithful as in a temple (1 Cor 3:16; 6:19), unifies her, and generates the missionary dynamism inherent in her (cf. Acts 2:4–13)—but also because the Church is a spiritual, pneumatic people (cf. LG 12), enriched by the various gifts that the Spirit gives to the faithful for the good of the whole community (cf. Rom 12:4–8; 1 Cor 12:12–30; 1 Pt 4:10). These charismatic gifts lead to a particular appropriation of the richness of the Word of God and of sacramental grace, strengthening the community and promoting its mission (cf. AA 3). In short: these gifts strengthen the sacramentality of the Church.” *Ibidem*, n. 35. See for example A. PASTWA: “‘Komunia w Duchu’. Małżeństwo a Eucharystia w świetle norm kanonów 1065 § 2 i 1119 KPK.” *Ius Matrimoniale* 17 (2012), pp. 7–43.

⁵¹ Cf. INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 36.

rament, the Church is in the service of the salvation of the world (LG 1; GS 45) and of the transmission of grace whose reception has made it a sacrament. Sacramentality always has a missionary character, a character of service for the good of others.”⁵²

In turn, the second thread, concentrated on — determining the optics of the Commission’s research in question — the category of “personal faith,” all too clearly exposes the interactive-personal character of the sacraments.⁵³ It is no coincidence that the result of the theological discourse conducted in this way — admirably situated within the renewed personalist theology of the sacraments⁵⁴ — provides a bridge to the exploration by the experts of the aforementioned esteemed body of the key issue⁵⁵

⁵² Ibidem, n. 33.

⁵³ The point is accurately expressed by Karl-Heinz Menke in the Vorwort to the third edition of his well-known monograph: “Die personale Kommunikation mit Christus ist nichts Unsichtbares oder rein Privates. Denn ‘das Wort ist Fleisch geworden und hat unter uns gewohnt’ (Joh 1,14). Und ‘Leib’ bedeutet in der Bibel so viel wie ‘mitteilen’, ‘sichtbar machen’, ‘in Beziehung treten’. Christus ist nicht die Verkleidung, sondern die Mitteilung, die Offenbarung, ja, ‘die Inkarnation’ des Wortes Gottes. Deshalb kann niemand mit Christus kommunizieren, ohne den Weg in die Inkarnation mitzuvollziehen. [...] Eine Wahrheit, die Person ist, kann nur personal vermittelt werden.” K.-H. MENKE: *Sakramentalität...*, pp. 9—10. These findings lead the professor of dogmatics from the University of Bonn to formulate an ecumenically oriented thesis — significant and for the reason that it directly addresses the title issue examined here (Christological-Ecclesiological Key to Identify Marriages of Baptised Non-Catholics): “Das ist der Grund, warum das Neue Testament kein Register von Lehrsätzen über Jesus, sondern eine Sammlung von *personalen Glaubenszeugnissen* (emphasis — A.P.) ist. Die Einheit der Christenheit steht und fällt mit der Kommunikation der vielen Einzelnen quer durch alle Konfessionen und Denominationen mit Christus *und* miteinander. Die Einheit ist nicht da in Gefahr, wo Christinnen und Christen kontrovers miteinander diskutieren oder gar streiten. Im Gegen teil, solange der Einzelne im Gespräch mit dem Andersdenkenden ist, dient er der Einheit. Deswegen ist nicht die bedauerliche Spaltung der Christenheit in Vergangenheiten Jahrhunderten das eigentliche Problem der Gegenwart. Viel Gravierender als das negative Erbe der Vergangenheit ist die Tatsache, dass immer mehr getaufte Christinnen und Christen quer durch alle Konfessionen nach dem Motto leben: ‘Mein Glaube ist Privatsache’.” Ibidem, p. 10.

⁵⁴ See L. LIES: *Sakramententheologie. Eine personale Sicht*. Graz—Wien—Köln 1990; H. O. MEUFFELS: *Kommunikative Sakramententheologie*. Freiburg—Basel—Wien 1995; cf also F.-J. NOCKE: “Allgemeine Sakramentenlehre.” In: *Handbuch der Dogmatik*. Vol. 2. Ed. TH. SCHNEIDER. Ostfildern 2017⁶, pp. 188—225.

⁵⁵ The aforementioned Secretary Serge-Thomas Bonino justifies the priority of the Commission’s scientific inquiries into this matter as follows: “La questione del matrimonio è stata il ‘piatto forte’ della nostra riflessione, perché da diversi anni osserviamo che ci sono sempre meno domande di matrimoni in chiesa; e che sempre meno, tra i pochi che ne fanno domanda, sono spinti da motivazioni veramente cristiane. Spesso si tratta infatti di fattori meramente culturali o sociali. [...] Al contempo, osserviamo che oggi è molto frequente essere ‘battezzati non credenti’, cosa che fino a poco fa si dava raramente ed era quasi accidentale. Il battesimo è in linea di principio un atto di fede, il

of the value of marriages of “baptised non-believers” (close in issue, we may think, and certainly as controversial as the title problem of identifying marriages of baptised non-Catholics). This is being reassured by the following conclusion: “The fundamental sacramentality of the Church is exercised in a privileged way and with special intensity in the celebration of the sacraments. The sacraments always have an ecclesial character: in them the Church brings her own being into play, in the service of transmitting the saving grace of the risen Christ, through the aid of the Spirit. Therefore, each and every sacrament is an intrinsically ecclesial act. According to the Fathers, the sacraments are always celebrated in the faith of the Church, since they have been entrusted to the Church. In each and every sacrament, the faith of the Church precedes the faith of the individual faithful. It is, in fact, a personal exercise of the faith of the Church. Therefore, without participation in the faith of the Church, such symbolic acts are rendered void, insofar as *faith is what opens the door to the sacramental signification at work* [emphasis — A.P.]”⁵⁶

Of course, the “marriage” section of the International Theological Commission, study in question, is marked by the context of the magisterial teachings of the Pope of Family,⁵⁷ Saint John Paul II,⁵⁸ contained in the famous 68th issue of the exhortation *Familiaris consortio* and repeated in his famous Address to the Roman Rota in 2001. In the latter document, the same key excerpt from the exhortation: “The sacrament of Matrimony has this specific element that distinguishes it from all the other sacraments: it is the sacrament of something that was part of the very economy of creation; it is the very conjugal covenant instituted by the Creator ‘in the beginning’”⁵⁹ — finds complementation in an unforgettable (well recognised by canonists) phrase: “Matrimony, moreover, while being a ‘*sign signifying and conferring grace*’, is the only one of the seven sacraments that is not related to an activity specifically ordered to the attainment of directly supernatural ends. For the ends of marriage are not only predominantly but properly ‘*by its very nature*’ the good of the

matrimonio di una persona battezzata non dovrebbe porre problemi su questo punto.” S.-Th. BONINO: “Matrimonio naturale in società scristianizzate...”

⁵⁶ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 39.

⁵⁷ FRANCIS: *Holy Mass and Rite of Canonization of Blessed John XXIII and John Paul II. Homily* (April 27, 2014), https://www.vatican.va/content/francesco/en/homilies/2014/documents/papa-francesco_20140427_omelia-canonizzazioni.html [accessed 23.02.2022].

⁵⁸ See INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 152—154.

⁵⁹ FC, n. 68; JOHN PAUL II: *Address to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota* [1.02.2001], n. 8.

*spouses and the procreation and education of offspring (CIC, can. 1055)."*⁶⁰ However, it should come as no surprise that in establishing dogmatic truth, that is, developing a scientifically sound answer to a currently pressing problem — as one of the subtitles at the beginning of the document suggests: “Faith and the Sacraments: A Reciprocity in Crisis”⁶¹ — the Commission’s experts do not stop at the “answers” already given.⁶² This is undoubtedly the overtone of the focus on Benedict XVI’s idea of anthropological realism (a trend that is also present in contemporary canonist literature⁶³), and in deciding *in concreto* the issue at hand — on the Pope’s teaching about the existence of a strong relationship between “natural marriage” and “sacrament”, as Commission Secretary Serge-Thomas Bonino expresses it.⁶⁴

⁶⁰ JOHN PAUL II: *Address to the Prelate Auditors, Officials and Advocates of the Tribunal of the Roman Rota* [1.02.2001], n. 8. Worth quoting is the concluding paragraph of the papal address: “On the other hand, to introduce requirements of intention or faith for the sacrament that go beyond that of marrying according to God’s plan from the ‘beginning’ — in addition to the grave risks that I mentioned in *Familiaris consortio* (n. 68, loc. cit., pp. 164—165): unfounded and discriminatory judgements, doubts about the validity of marriages already celebrated, *particularly by baptized non-Catholics* [emphasis — A.P.] — would inevitably mean separating the marriage of Christians from that of other people. This would be deeply contrary to the true meaning of God’s plan, in which it is precisely the created reality that is a ‘great mystery’ in reference to Christ and the Church.” *Ibidem*.

⁶¹ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 3.

⁶² It is also, what is characteristic, about the relation to its earlier studies (if not identical, then close in scope), the results of which the Commission presented in 1977. INTERNATIONAL THEOLOGICAL COMMISSION: *Propositions on the Doctrine of Christian Marriage* (1977), https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1977_sacramento-matrimonio_pl.html [accessed 23.02.2022].

⁶³ Cf. A. PASTWA: *Il bene dei coniugi. L’identificazione dell’elemento ad validitatem nella giurisprudenza della Rota Romana* [Biblioteca Teologica, Sezione Canonistica. Vol. 7]. Lugano—Siena 2018, pp. 100—123.

⁶⁴ It is worth knowing the broader context of this statement: “La tesi che difendiamo — che poi è quella avanzata da Benedetto XVI — è che ci sia un legame molto forte tra il ‘matrimonio naturale’ e il ‘sacramento’: ciò fa sì che si consideri che il primo implichi il secondo. Per matrimonio naturale intendiamo una concezione dell’istituzione come iscritta nella natura stessa dell’essere umano, e che si può ravvisare nelle società non-cristiane: essa comprende l’idea del matrimonio indissolubile, aperto alla vita, dono di sé per l’altro eccetera. Dobbiamo considerare che l’idea di un matrimonio naturale abbia ancora un senso quando è totalmente estromessa da una società in cui non c’è fede? Cinquant’anni fa persone non cristiane sapevano che un matrimonio implicava che si stesse parlando di un uomo e di una donna, che la cosa fosse per sempre, che riguardasse l’aver figli e vivere insieme... anche se talvolta non vi si adeguavano praticamente. Nelle nostre società abbondantemente scristianizzate quest’idea di matrimonio è ancora chiara alla nostra mente? Che fare quando l’ottica contemporanea del matri-

Another member of the Commission, Gabino Uríbarri Bilbao, does not hesitate to speak of the peculiar priority the Commission has given to the thought of Joseph Ratzinger/Benedict XVI.⁶⁵ It is for one fundamental reason — it was this pope who most clearly articulated in his magisterium the issue of the influence of faith on anthropological concepts.⁶⁶ “Following Benedict XVI — as we can read in the Angelicum dean’s interview with Vatican News — we start from the premise that faith determines anthropological concepts in every area of life, including marriage. We ask ourselves whether the consistent lack of faith, typical of those who can be called ‘baptized non-believers’, affects their understanding of marriage — keeping in mind that in many places the socially shared understanding of marriage, including legally constituted marriage, is not based on indissolubility (eternality), fidelity (exclusivity and the welfare of the spouse) and procreation (opening up for offspring). We claim, therefore, that in the case of ‘baptised non-believers’ the intention to enter into a true natural marriage is not guaranteed. Without natural marriage, there is no reality that can be introduced into sacramental marriage: there is no sacramental marriage.”⁶⁷

At least as inspiring and relevant in uncovering the depths of the Catechism’s depiction of “Christian marriage” as the “sacrament of faith in the service of communion”⁶⁸ proved to be another idea of Benedict XVI. Relevant insofar as it can be seen today as a key link in the chain of answers to the title question troubling theologians and canonists⁶⁹ about

monio non implica più fin dal principio i presupposti del matrimonio naturale?” S.-Th. BONINO: “Matrimonio naturale in società scristianizzate...”

⁶⁵ “La nostra proposta segue la scia di vari interventi di Papa Francesco, di San Giovanni Paolo II e, soprattutto, di Benedetto XVI, anche se fa un passo in avanti, che si offre al dibattito della teologia dogmatica, pastorale, canonica e al discernimento dei pastori.” G. URÍBARRI BILBAO: “Significato e piano del documento...,” p. 7.

⁶⁶ Ibidem.

⁶⁷ “Matrimonio in assenza di fede...”

⁶⁸ CCC, n. 1534

⁶⁹ Emblematic here is the view of Winfried Aymans, consistently articulated from the 1970s to the present day. This prominent canonist raises the argument that according to the ecclesiological doctrine of Vatican II, non-Catholic Christians are incorporated into the Church not by a direct union with the Catholic Church (so in the description of CIC 1917), but through their churches or ecclesial communities. Well, this kind of church membership — yes real but incomplete because of a lack of the fullness of faith — gives rise to the question of the validity of the principle of *eo ipso sacramentum* in marriage between two baptized Protestants. In this case, should we not rather see the possibility of a separation between the contract and the sacrament? In Aymans’ unequivocal assessment, inseparability appears to be absolute only for Catholics, i.e., for those who belong fully to the Church. W. AYMANS: “Gleichsam häusliche Kirche. Ein kanonistischer Beitrag zum Grundverständnis der sakramentalen Ehe als Gottesbund und

the real identity of marriages of baptised non-Catholics. As the famous debate of the previously quoted professors of dogmatics José Granados and Gabino Uríbarri Bilbao in the pages of *Salmanticensis* (2015) showed,⁷⁰ instructive yet insufficient in resolving difficult problems in the field of matrimony — and among such is the title question of credible justification of the sacramentality of marriage between two baptized Protestants⁷¹ — appears to be the classical⁷² emphasis of baptismal incorporation into

Vollzugsgestalt kirchlicher Existenz.” *Archiv für katholisches Kirchenrecht* [hereinafter: AKKR] 147 (1978), pp. 424—446; IDEM: “Die sakramentale Ehe — Gottgestifteter Bund und Vollzugsgestalt kirchlicher Existenz.” *Revista española de derecho canónico* (1990), pp. 611—638; IDEM: “Sakramentale Ehe. Ein Plädoyer für eine Neubesinnung auf den religiösen Sinn des kirchlichen Eheverständnisses. Ein Zwischenruf zu den Bischofssynoden 2014/1015.” AKKR 183 (2014), pp. 123—130. Opposing this position, José Granados, an esteemed expert on sacramentology, accurately counter-argues (including citing the ideas of Eugenio Corecco): “I think that its chief value is that it grasps the ecclesial nature of marriage and argues on the basis of it. The deeper examination of the ecumenical question at Vatican II concludes that it is possible to belong to the Body of Christ in various degrees; in order to enjoy *plena communio* [full communion] in the Body of Christ, baptism is not enough, but other elements are required: the full faith of the Church and incorporation into the hierarchical body, as Aymans notes. However, insofar as Protestants are incorporated into Christ by baptism, there can be no doubt about the sacramental character of their marriages: they belong to the Body of Christ and therefore are united according to the standard of Christ. For them too it is true that, since they have encountered Christ and profess faith in his redemption, they cannot return to an earlier situation, to a union within creaturely parameters as though Christ had not existed: the inseparability of contract and sacrament is therefore valid in the case of Protestants.” J. GRANADOS: “The sacramental Character of Faith...,” p. 259.

⁷⁰ “Eucaristía y divorcio, ¿Hacia un cambio de doctrina? Diálogo entre José Granados y Gabino Uríbarri.” *Salmanticensis* 62 (2015), pp. 493—531.

⁷¹ *Nota bene* the axis of the debate in question was another important legal and pastoral problem: the (im)possible revision of the Catholic Church’s position of not allowing divorced people living in new unions to receive the Eucharist.

⁷² Of course, the qualities of the “classical” interpretation of *de sacramento matrimonii* in the exhortation *Amoris laetitia* remain undisputed, as evidenced, for example, by the passages: “Mutual self-giving in the sacrament of matrimony is grounded in the grace of baptism, which establishes the foundational covenant [of the spouses — A.P.] with Christ in the Church” (AL, 73). “By their baptismal consecration, they were enabled to join in marriage as the Lord’s ministers and thus to respond to God’s call. [...] The natural order has been so imbued with the redemptive grace of Jesus that ‘a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament’” (AL, 75). The theological paradigm so delineated in the post-conciliar papal magisterium obviously influences the shape of the legal-canonical argumentation. For example: “It is precisely the implantation of the human person into the Mystical Body of Christ that constitutes the determinative moment for the marriage covenant to become a sacrament.” W. GÓRALSKI: “Nierozdzielność ważnej umowy małżeńskiej...,” p. 31.

the structure and sacramental life of the Church.⁷³ Since today, in view of the urgent task of promoting the evangelising and missionary-ecumenical profile of “sacrament in the service of Communion,” can we be content with a simple message: since Protestants are implanted in Christ through baptism, there is no doubt about the sacramental character of their marriages. Hence the imposing urgent need for a new in-depth look at the dynamic mystery reality (*sacramentum*).

It is not without reason that both of the aforementioned debaters unanimously link the fact of the nupturients’ baptismal belonging to Christ with their incorporation into His Church Body. Well, the immanent connection of the “Body of Christ” with “the domestic Church” highlighted in the International Theological Commission’s nodal 77th issue of the document — once again following Benedict XVI’s “matrimonial” thinking, this time in the exhortation *Sacramentum caritatis*⁷⁴ — gains development in the 114th issue entitled “Building the Ecclesial Body.” It is here that the Commission’s theologians’ statement: “[...] the Church is generated in the Eucharist: Christ, who gives Himself to her in sacrifice as to His beloved Spouse, constitutes her in His body,”⁷⁵ directs the nodal passages of the said exhortation. Suffice it to take out the characteristic papal declarations: First, in the universal view of the Eucharist as “the supreme sacramental manifestation of communion in the Church”⁷⁶ — “The Eucharist is Christ who gives Himself to us and continually builds us up as His body.”⁷⁷ Then, already directly in reference to the Christian marriage (“nuptial sacrament”) — “The Eucharist, as the sacrament of charity, has a particular relationship with the love of man and woman united in marriage. *A deeper understanding of this relationship is needed at the present time* [emphasis — A.P.].”⁷⁸

⁷³ G. URÍBARRI BILBAO: “Buscando la verdad completa de los divorciados vueltos a casar. Continuando la conversación con José Granados.” In: *Eucaristía y divorcio...*, p. 521; J. GRANADOS: “Eucaristía, comunión eclesial y divorcio. En diálogo con Gabino Uríbarri.” In: *Eucaristía y divorcio...*, pp. 500—501.

⁷⁴ BENEDICT XVI: *Apostolic Exhortation “Sacramentum caritatis”* [22.02.2007] [hereinafter: SC].

⁷⁵ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 114.

⁷⁶ SC, n. 15.

⁷⁷ *Ibidem*, n. 14; cf. JOHN PAUL II: *Encyclical Letter “Ecclesia de Eucharistia”* [17.04.2003], n. 38.

⁷⁸ SC, n. 27. Indeed, a similar thought (“*analogia Eucharistica*”) was developed earlier by John Paul II. However, Benedict XVI’s appeal, dictated by the “signs of the times,” is distinguished by the categorical and urgent nature of the task outlined. Cf. FC, n. 57; see also A. PASTWA: „*Przymierze miłości małżeńskiej*”..., pp. 149—156.

This priority papal recommendation, a theological exploration of the relationship: the Eucharist and nuptial sacrament,⁷⁹ has been taken up and implemented in his research by the already mentioned Professor José Granados. He does it both skillfully and originally, promoting the method of modern theology of defining the sacramental sign (including marriage) in the horizon of the “Eucharistic space”⁸⁰: reliable theological contemplation should always start from the Eucharistic Body as the sacrament *par excellence* and illuminate other redemptive signs from this perspective.⁸¹ Needless to say, the subsequent “steps” of this intervening discourse significantly sharpen the features of the reality portrayed here Christian marriage as the sacrament of faith in the service of communion.

In the first version, the Spanish theologian gives insight into the very core of the sacramental structure, which the International Theological Commission document encapsulates in the maxim: “the Church herself is the body of Christ.”⁸² Well, Jesus in the Eucharist offers us his body, and with it a radically new style of existence, along the lines of his earthly life. The statement: “The Eucharist is the body of Christ,” thus expresses the fundamental truth that this “body” is the dynamic space in which members (Christians) unite and assimilate the novum of the Gospel style of personal relationships.⁸³ It is through this “fundamental sacrament”⁸⁴ that the “reception into a new family that reconfigures the essential coordinates of our being in the world, and therefore our identity and our

⁷⁹ SC, nn. 27—29.

⁸⁰ J. GRANADOS GARCÍA: “Cuerpos sacramentales: cómo abrir espacios cristianos en la era secular.” *Revista española de teología* 78 (2018), pp. 111—117.

⁸¹ *Ibidem*, p. 111.

⁸² In a broader description: “In the Eucharist we enter into communion of life with the love of the Trinitarian God. [...] The Church herself is the body of Christ, constituted as such by divine design, thanks to the sacramental Trinitarian action. This body actualizes what it is when it proclaims the faith received, sanctifies history, sings the praises of the Trinity, and undertakes the mission to proclaim the Gospel in word and deed.” INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, nn. 104, 114.

⁸³ J. GRANADOS GARCÍA: “Cuerpos sacramentales...,” p. 106. Here it should be noted that Benedict XVI, spreading the vision of the “sacramental perspective of Christian revelation,” reveals the true source of the aforementioned dynamic. It is “word of God [...] listened to and accepted in a spirit of communion with the Church and with a clear awareness of its unity with the sacrament of the Eucharist. Indeed, the word which we proclaim and accept is the Word made flesh (cf. *Jn* 1:14); it is inseparably linked to Christ’s person and the sacramental mode of his continued presence in our midst.” SC, n. 45; cf. G. GÄNSWEIN: “Neuevangelisierung...,” pp. 45—46.

⁸⁴ J. GRANADOS GARCÍA: “Cuerpos sacramentales...,” p. 105.

works, is accomplished.”⁸⁵ The truth of the Eucharist as the “central” (!) sign of Christ’s *Mysterium caritatis*, in turn, provides a strong basis for seeing in the other sacramental signs various (diverse yet complementary) extensions of the Eucharistic space into the lives of individuals and communities.⁸⁶

As we might guess, setting the discourse on such a distinct guiding basis has already allowed José Granados to credibly bridge the gap between the Eucharist and Christian marriage. Looking at the sacrament as a bodily symbolic space redirects attention from the form of the rite performed (with material elements) to the transformation of the Christian’s body itself, conforming to the body of Christ (in a personalistic key).⁸⁷ While the body that Christ gives us (“this is my body, which is given for you”⁸⁸) involves a new way of establishing personal relationships between people, thanks to the recognition of origin and ultimate destiny in the Father, belonging to the Church means entering into this new network of relationships, defined by the measure of Jesus’ love, and thus co-creating concrete communion (lived “in the flesh” and “in history”) in openness to God and the brethren.⁸⁹ “Within this optic, baptism is the gateway of incorporation into the Eucharistic space through which this body is born; this space is perceived as the ultimate reference point of all relationships. [...] Thus, marriage expresses [in the sacramental sign of the spousal covenant⁹⁰] that the Eucharistic space does not abandon but, on the contrary, takes up, purifies and embodies the elementary space that welcomes every human being coming into the world.”⁹¹

This is what José Granados has in mind when he designates the specific⁹² event of the sacrament in the quoted study (2018) with the original subtitle: “The sacramental[Eucharistic — A.P.] space assumes within itself

⁸⁵ Ibidem, p. 111. “Así, el cristiano se apoya en la misma raigambre de Cristo, se asienta en el mismo lugar desde donde Jesús se relaciona con el Padre, los hombres y el cosmos. Y ahora, no solo puede decir, según se indicaba más arriba, ‘yo soy yo y mi morada’, sino ‘yo soy yo y la morada de Cristo, que ahora paso a habitar’.” Ibidem.

⁸⁶ Ibidem.

⁸⁷ The “body” in the biblical anthropology is the whole person. Through the body, a person is a relational being, capable of belonging to a family, sharing life with parents and siblings, personal (full) devotion in marriage, receiving and raising children. Christ, by taking this bodily layer, shared with all of us, and living it fully until his death and resurrection, passes it on to us — already transformed! — with the grace of vocation.

⁸⁸ Lk 22,19.

⁸⁹ J. GRANADOS: “Eucaristía, comunión eclesial y divorcio...,” p. 501.

⁹⁰ FC, no. 13. Cf. A. PASTWA: „Przymierze miłości małżeńskiej”..., pp. 61—69.

⁹¹ J. GRANADOS: “Cuerpos sacramentales...,” pp. 116—117.

⁹² Cf. FC, n. 68.

the original dwelling of man.”⁹³ From there the path to the first conclusions is straightforward. First, family relationships — beginning with the marriage covenant between a man and a woman — determine how each faithful person belongs to the Body of Christ. Secondly, it is the Christian marriage/family that allows the Church to discover its real position and role in society.⁹⁴ Using Francis’s nodal idea in the exhortation *Evangelii gaudium* that there can be no other Church but the “Church which goes forth”⁹⁵ we might add: a Church in which the matrimonial truth of the “principle”, that truth whose fullness is found in connection with Christ Bridegroom’s union with His Bride.⁹⁶ After all, it is in/through marriage and family that the Church “goes forth” into the evangelising, missionary, ecumenical spaces of the world.⁹⁷ In a word, the Church’s missionary path in every human community — marked by the signpost of the Gospel to effectively instill in people the way of Jesus’ life⁹⁸ — is through the family; only from it can be drawn the two basic determinants of the “civilization of love”⁹⁹: the paradigm of the “person” carrying the “nuptial meaning of the body” and the paradigm of the “communion of persons” carrying in their hearts (despite the effects of original sin) the elementary

⁹³ J. GRANADOS: “Cuerpos sacramentales...,” p. 119.

⁹⁴ Thus, the author’s thesis that the new approach to gender, promoted today with great vigor — which inevitably leads to the deprivation of the body of its meaning — is a direct threat to the existence of the Church has a solid basis. *Ibidem*, pp. 120, 126. “La primera morada del hombre le es dada en el vínculo de su padre y madre, y es una morada permeada de esa palabra que es la promesa esponsal. Desde ahí puede experimentar cada uno como una casa su propio cuerpo, lugar donde las relaciones familiares se arraigan. De este modo la familia se hace ‘útero espiritual’ donde se genera la persona, se le enseña el entramado básico del tiempo de la vida y se le introduce en una comunidad de lenguaje, imponiéndole un nombre. Todo otro espacio social se edifica desde este espacio de la familia, pues es allí donde el bien común se deja sentir como bien propio.” *Ibidem*, p. 119.

⁹⁵ EG, nn. 20—24.

⁹⁶ BENEDICT XVI: “Address to the Members of the Tribunal of the Roman Rota” (January 27, 2007), http://www.vatican.va/content/benedict-xvi/en/speeches/2007/january/documents/hf_ben-xvi_spe_20070127_roman-rot.html [accessed 23.02.2022].

⁹⁷ J. GRANADOS GARCÍA: “Cuerpos sacramentales...,” pp. 119—120. “El matrimonio es espacio común de la Iglesia y de la sociedad, espacio en el cual la Iglesia se sitúa, como en coto propio, en el centro del espacio social. Entendemos el drama que sería para Ella excluir de la armonía sacramental la herencia del matrimonio indisoluble en el Señor. No solo arruinaría los fundamentos mismos de su casa, sino que impediría su actividad en el mundo, para sanarlo y transformarlo. [...] La Iglesia, sin el matrimonio, no es Iglesia en salida, sino Iglesia sitiada, como la sociedad de Bauman, privada de espacios generativos y, por consiguiente, de espacios misioneros.” *Ibidem*

⁹⁸ INTERNATIONAL THEOLOGICAL COMMISSION: *The Reciprocity Between Faith and Sacraments...*, n. 8.

⁹⁹ GrS, n. 13.

truth of the sacramental sign — the reflection of the eternal communion of Persons.¹⁰⁰

3. Towards the proof of sacramental identity of marriages of baptised non-Catholics

It is time to face the key issue — indeed, not easy to address in dialogue with the Churches of the Reformation (in view of their well-known position, stiffened by centuries of tradition) — whether the papal enunciation quoted earlier, “The Eucharist, as the sacrament of charity, has a particular relationship with the love of man and woman united in marriage”¹⁰¹ — today gives a rise to affirm the universality of Bellarmine’s principle: *eo ipso sacramentum*.¹⁰² The current state of theological research, prompts a decidedly positive answer to this question. The content analysis of the catechism’s formula of Christian marriage: “the sacrament of faith in the service of communion,” which has already been carried out here, leads to such an answer. Consequently, further following of the idea of the eminent problem expert José Granados (indeed, which may serve to sharpen the features of this original exposition¹⁰³ and promote it more widely, including in canonical circles) can be considered highly desirable; not so much because of its theological capacity: to give impetus to interchurch bridging of doctrinal differences, but because of the great ecumenical potential the idea carries with it. It is not surprising that such a viewpoint finds an important ally in the person of Benedict XVI, who in his exhortation *Sacramentum caritatis* teaches: “An emphasis on this eucharistic basis of ecclesial communion can also contribute greatly to the ecumenical dialogue with the Churches and Ecclesial Communities which are not in full communion with the See of Peter. The Eucharist objectively creates a powerful bond of unity between the Catholic Church and the Orthodox

¹⁰⁰ Cf. A. PASTWA: *Przymierze miłości małżeńskiej...*, pp. 45—51, 59—60.

¹⁰¹ SC, n. 27.

¹⁰² CIC 1983, can. 1055: “The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized (§1); For this reason, a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament [*eo ipso sacramentum*] (§ 2)”; cf. CCEO, can. 776 § 2.

¹⁰³ Of course, the limited framework of this article allows only an outline of the theories of the Spanish theologian.

Churches, which have preserved the authentic and integral nature of the eucharistic mystery. At the same time, emphasis on the ecclesial character of the Eucharist can become an important element of the dialogue with the Communities of the Reformed tradition.”¹⁰⁴

It is worth reminding that reflecting on the reality of Christian marriage as the sacrament of faith in the service of communion has shown that the Eucharist should be seen as the source, centre and summit of the entire sacramental economy. The eucharistic mystery of love constitutes, as José Granados accurately notes, the basic criterion for discerning what a sacrament is. We can boldly say that this “the most August sacrament [...] by which the Church continually lives and grows”¹⁰⁵ is the founding sacrament,¹⁰⁶ which, through the Spirit of Christ, expands (as reflected in the title words, “Love builds Communion...”) and is updated in the other sacraments. The present optics, on the other hand, leads us to see the baptism of each person as an event of incorporation into the living current of this expansion (*extensión eucarística*); for here occurs the implantation of the faithful person into Christ, that is, birth into His Body.¹⁰⁷ “The whole dynamism of baptism is explained in light of its purpose: To make us capable of participating in the Eucharist.”¹⁰⁸

The present findings already make it possible to attempt to define the bond between the Eucharist and the Sacrament of Marriage. The importance of this bond is best demonstrated by the fact that it is in marriage that “the Eucharistic body — lived out according to the new relationships established by Jesus — takes in the created body and transforms it to the measure of its fullness in Christ. In this way, marriage becomes a strategic enclave in which Christianity takes root in the common ‘city’ of people and directs the concrete course of history toward its recapitulation in Jesus.”¹⁰⁹ This statement — in José Granados’ opinion — is crucial, because it confirms the hypothesis that marriage is necessary to understand the Church with its communion structure and immanent dynamics. It is no coincidence that the Second Vatican Council pointed out this fact

¹⁰⁴ SC, n. 15.

¹⁰⁵ CIC 1983, can. 897; cf. CCEO, can. 698.

¹⁰⁶ Cf. comments on the juridical-constitutional role of the Eucharist — L. GEROSA: *Canon Law* [AMATECA, 5]. Münster 2002, pp. 121—123.

¹⁰⁷ See J. GRANADOS: “El entrecruzarse de relatos: vínculo conyugal, carácter sacramental y disciplina eucarística.” *Anthropotes* 30 (2014), pp. 17—41.

¹⁰⁸ IDEM: Eucaristía, comunión eclesial y divorcio, pp. 502—503. “No sería difícil desarrollar las consecuencias para los demás sacramentos: cada uno es una extensión del cuerpo eucarístico en la vida del cristiano, acompañando cada situación y cada etapa.” *Ibidem*, p. 503.

¹⁰⁹ *Ibidem*.

when drawing a picture of the family as the “domestic Church”.¹¹⁰ Since it is true that the Church cannot be seen otherwise than as one big family, we cannot easily pass over the meaning (so far perhaps insufficiently ecclesiologicaly explored) of the concluding passage of the 48th number of the Constitution *Gaudium et spes* about the fact that it is in the Christian family that the genuine nature of the Church.¹¹¹

The ecclesiological (and legal) implications of this last statement cannot be overstated. Limiting ourselves here to the issue circled by the title, it is necessary to emphasise once again the universality (!) of the truth: the Christian family is an active subject of the Church’s communion and mission. After all, the belonging of a baptized man and woman to their own domestic Church, initiated by the tying of the matrimonial knot, is directly related to their belonging to the one¹¹² Church of Christ. Overcoming in the conciliar constitution *Lumen gentium* — in the approaches of full (*communio plena* with the formula *Spiritum Christi habentes*)¹¹³ and incomplete (*communio non plena*)¹¹⁴ membership in the Church¹¹⁵ — the static preconiliar vision of “all or nothing” opens the way for the conclusions presented earlier to apply in their entirety to the marriages of baptized members of the Communities of the Reformed tradition.

Indeed, the final link in the chain of premises of the precisely created discourse by José Granados, not only affirms the sacramental dignity of such marriages, but above all highlights the truth that their ecclesiastical (!) family communities are included in the bloodstream of the sacramental *Communio*. How, we are allowed to ask with the former vice-president

¹¹⁰ VATICAN COUNCIL II: *Dogmatic Constitution on the Church “Lumen Gentium”* [21.11.1964], n. 11.

¹¹¹ “Thus, the Christian family, which springs from marriage as a reflection of the loving covenant uniting Christ with the Church, and as a participation in that covenant, will manifest to all men Christ’s living presence in the world, and the genuine nature of the Church. This the family will do by the mutual love of the spouses, by their generous fruitfulness, their solidarity and faithfulness, and by the loving way in which all members of the family assist one another.” VATICAN COUNCIL II: *Pastoral Constitution on the Church “Gaudium et spes”* [7.12.1965], n. 48. J. GRANADOS: “Eucaristía, comunión eclesial y divorcio...,” p. 503.

¹¹² See N. LÜDECKE: “Die kirchenrechtliche Relevanz der ‘subsistit in’ -Formel. Ein kanonistischer Ökumenebaustein.” In: *Kirchenrecht und Theologie im Leben der Kirche. Festschrift für Heinrich J. F. Reinhardt*. Eds. R. ALTHAUS, K. LÜDICKE, M. PULTE [Beihefte zum Münsterischen Kommentar, Bd. 50]. Essen 2007, pp. 279—309.

¹¹³ LG, n. 14; cf. CIC 1983, can. 205; CCEO, can. 8.

¹¹⁴ LG, n. 15.

¹¹⁵ A. PASTWA: “‘Die formale Willenserklärung zum Austritt aus der Kirche’. Ein Jahrzehnt der Rechtspraxis in Polen.” In: *Rechtskultur und Rechtspflege in der Kirche. Festschrift für Wilhelm Rees zur Vollendung des 65. Lebensjahres*. Eds. CH. OHLY, ST. HAERING, L. MÜLLER [Kanonistische Studien und Texte, Bd. 71]. Berlin 2020, pp. 312—317.

of the Pontifical John Paul II Theological Institute for Marriage and Family Sciences, when, belonging to the Church, they cannot take Holy Communion? Well, the Eucharist is already present in baptism and shapes the entire existence of Christian spouses, who are thus in the orbit of the continuous radiation of grace. This priceless Gift is at the same time an uninterrupted appeal to open themselves to the transforming influence of the Word and the Eucharist, and to enter the path of “missionary” participation in the Body of Christ. Today, in the era of the Ecumenical Council, it is impossible to contest the truth that “there are incomplete ways of participating in the Eucharist in which, even when we cannot take the Holy Communion, we live under the influence of the Eucharist.”¹¹⁶

* * *

The nuptial and redemptive love relationship of Christ to the Church constitutes the theological foundation of the sacrament of marriage. The conclusions formulated on the basis of this constatation cannot be overestimated. It becomes obvious, first of all, that the sacramental covenant of love between two persons: a man and a woman, owing to the creative (dynamic) realisation of the “matrimonial” relationship with Christ, reveals a special bond with the sacramentality of the Church herself, namely, it builds the unity of the entire Mystical Body. The pointing by Popes John Paul II and Benedict XVI towards the fact of the profound connection of the Sacrament of Marriage with Baptism and the Eucharist highlights in its entirety, on the one hand, the ontic inscription of the *sacramentum matrimonii* in the mystery of the Church, on the other hand, the necessary (inalienable!) participation of the sacramental marital/family community in the Church’s salvific mission.

The papal memento in the encyclical *Ut unum sint* should be applied to all Christian marriages/families: “The Church is not a reality closed in on herself. Rather, she is permanently open to missionary and ecumenical endeavour, for she is sent to the world to announce and witness, to make present and spread the mystery of communion which is essential to her, and to gather all people and all things into Christ, so as to be for all an ‘inseparable sacrament of unity’.”¹¹⁷

¹¹⁶ J. GRANADOS: “Eucaristía, comunión eclesial y divorcio...,” p. 505.

¹¹⁷ UUS, n. 5.

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La clé christologique et ecclésiologique servant à confirmer l'identité des
mariages de baptisés non-catholiques

Résumé

Les mots du titre de l'article tirés de l'encyclique *Ut unum sint*, ainsi que les résultats des recherches les plus récentes des théologiens (entre autres des membres de la Commission théologique internationale) concernant le sens de la formule sacramentale du mariage: «le sacrement de la foi au service de la communion» — sont devenus une inspiration pour tenter de vérifier les prémisses confirmant l'identité issue du sacrement et concernant les mariages des baptisés non-catholiques. L'auteur (un canoniste) suppose que c'est la problématique du «mystère de la communion» (UUS, n° 5) que devrait faire l'objet des études canoniques d'aujourd'hui, et ceci dans toute la complexité des questions détaillées qui la forment, y compris la formulation des conclusions appropriées dans le domaine canonique (légifération) et dans le domaine canonique et pastoral (application de la loi). Tout ceci accordément à la règle selon laquelle la législation ecclésiastique, et en particulier celle qui sert à expliquer des questions névralgiques/systemiques — l'universalisme du principe *eo ipso sacramentum* formulé par Bellarmin en faisant partie — repose toujours sur les fondements théologiques communément admis.

Mots-clés: ecclésiologie, droit matrimonial canonique, mystère de communion, sacrement de mariage, mission de «l'Église domestique», principe *eo ipso sacramentum*, mariage des baptisés non-catholiques

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L'amore crea comunione di persone (UUS, n. 21)
La chiave cristologico-ecclésiologica per confermare l'identità dei
matrimoni dei non-cattolici battezzati

Sommarìo

Le parole del titolo dello studio tratte dall'enciclica *Ut unum sint*, nonché i risultati delle ultime ricerche dei teologi (compresi membri della Commissione Teologica Internazionale) sul senso della formula del catechismo del matrimonio cristiano: “il sacramento della fede al servizio della comunione” — sono diventati uno spunto per tentare di verificare le premesse che confermano l'identità sacramentale dei matrimoni dei non-cattolici battezzati. L'autore (canonista) assume che la sfida di oggi per gli studi canonici dovrebbe essere quella di approfondire la questione del “mistero della comunione” (UUS, n. 5), in tutta la complessità delle sue questioni dettagliate, compreso lo sviluppo di opportune conclusioni nell'ambito canonico (legislazione) e canonico-pastorale (applicazione del diritto). E questo in nome della regola, secondo cui la legislazione ecclesiastica, soprattutto nello spiegare questioni sensibili/sistemiche — e tale è la questione dell'universalità

del principio bellarminiano dell'*eo ipso sacramentum* — si basa sempre su fondamenti teologici generalmente accettati.

Parole chiave: ecclesiologia, diritto matrimoniale canonico, mistero di comunione, sacramento del matrimonio, missione della “Chiesa domestica”, principio *di eo ipso sacramentum*, matrimonio dei non-cattolici battezzati