

# The World War Against Marriage<sup>1</sup>

Danilo Flores\*

Faculty of Canon Law, Ecclesiastical Faculties,  
University of Santo Tomas, Manila, Philippines

**Abstract:** The research re-echoes the warning of the Pope Emeritus Benedict XVI on the modern ideologies, especially the ‘*anthropological reduction*’ and the “*technological Promethanism*’ that attack and weaken the true concept of *humanitas*, *Matrimonium*, and *familia* which are all natural and divine institutions. The absolutization of man is a fatal consequence of the ideologies mentioned above that legally wage war against the institution of marriage through legal positivism.

The primary causes underlying the ideologies that lead man to the erroneous concept on these institutions are the deformation of the concept of natural law and the

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\*Danilo Flores can be contacted at [dannyrflores@gmail.com](mailto:dannyrflores@gmail.com).

<sup>1</sup> Pope Francis, in a pastoral visit at the Church of the Assumption in Tbilisi, Georgia, on October 1, 2016, had a conversation with a woman named Irina and with her husband, Zurab; both of them assist other families and teach Natural Family Planning. Irina informed the Pope that the Georgian families were experiencing new challenges brought by “globalization, which does not take into account local values and introduces new views on sexuality like gender theory and the marginalization of the Christian vision of life. She asked the Pope how to cope with these.” In response to her query, the Pope explained the nature of matrimony: “Marriage is the most beautiful thing God has ever created. God created man and woman; He created them in His own image and likeness (cf. Gen 1: 27). Man and woman become one flesh, that is, the image of God. [...] I understand the many difficulties encountered during marriage like temptations, misunderstandings... why not resolve these with divorce?” [...] The Pope asked her: “Do you know who pays the price for a divorce?” Irina answered: “Both of them!” The Pope rebutted: “Two persons? More than the two of them! God pays the price when one flesh is divided into two halves because the image of God himself is stained. The children pay the highest price because they suffer much more than anyone for the separation of their parents.” [...] “Irina, you have mentioned the worst enemy of marriage today: the theory of ‘gender.’ To date, there is an *On-going World War to destroy marriage!* Today there is the colonization of ideologies that destroy, not with weapons but with ideas! Thus, we have to defend ourselves from this ideological colonization.” (FRANCIS, “In difesa del matrimonio: È in corso una guerra mondiale ideologica per distruggerlo”, in *L’Osservatore Romano* Year 156 n. 227 3-4 October 2016, 6). The translation from Italian to English text is by the author.

abuse of the power entrusted to man (reason and freedom). To defend marriage from these threats, it is essential to reaffirm the anthropological, philosophical, and theological nature of marriage and family and defend them by civil and canonical legislations appropriately protective of these institutions.

The author reiterates the proposal of the German theologian Pope, i.e., the reinterpretation of the concept of natural law by heeding to his call: “from Grotius’s «*etiamsi Deus non daretur*» to Ratzinger’s «*veluti si Deus daretur*»!” This will eventually lead not only to spiritual progress but also toward new and a more profound aspect of *authentic humanism*.

**Keywords:** canon law, natural law, legal positivism, humanism, reason and freedom, dictatorship of relativism, marriage, world war, Benedict XVI, Ratzinger, Pope Francis, public ecclesiastical law

## Introduction

Quoting Pope Emeritus Benedict XVI allows us to introduce with clarity the topic of marriage and the ideologies that threaten its very nature: “All of Christian ethics receives its meaning from faith as an ‘encounter’ with Christ’s love, which offers a new horizon and a decisive direction to one’s own life. Christian love finds its foundation and form in faith. Encountering God and experiencing His love, we learn to live no longer for ourselves but for Him and with Him for others.”<sup>2</sup>

Thus, confident obedience to the Gospel teaching assures marriage a concrete Christian expression and constitutes its principle of discernment for a lifelong relationship without conditions. Christians, especially those who have received the vocation for married life, should be guided by the principles of the faith in which we can abide by ‘God’s point of view,’ by His plan for us. This new view of the world and humanity that faith offers provides the proper criteria for the evaluation of various marital expressions in the current global situation.

### *Man, Victim of Ideologies*

“In every era whenever mankind did not seek God’s plan, it has become the victim of cultural temptations that ended into enslaving it. In recent centuries, the ideologies, which venerated the cult of nationality, of race, or of social class, have proven to be idolatries. The same can be attributed to the unbridled capitalism with its cult of profit, which has resulted in crises, inequality, and poverty. More and more

<sup>2</sup> Excerpt from Pope Benedict XVI address to the participants in the plenary meeting of the Pontifical Council “*Cor Unum*” on January 19, 2013 in *Acta Apostolicae Sedis - Commentarium Officiale* (hereinafter AAS) 105 (2013) 165–167.

today, we share a common feeling regarding the inalienable dignity of every human being and the reciprocal and interdependent responsibility toward one another and therefore to the benefit of true civilization, the civilization of love.”<sup>3</sup>

### *Anthropological Reduction and Technological Promethanism*

“Our time is aware of the shadows that obscure God’s plan. I’m referring particularly to that tragic *anthropological reduction* that re-proposes an ancient hedonistic materialism, to which, however, is added a ‘*technological Promethanism*.’ From the union between a materialistic view of humanity and the great development in technology emerges an anthropology that is atheistic at heart. It presupposes that human beings are reduced to autonomous functions: the mind to the brain and human history to a destiny of self-realization. All of this disregards God, ignores the true spiritual dimension, and overlooks the horizon beyond this world.”<sup>4</sup>

### *Man’s Absolutization*

“From the perspective of humanity deprived of its soul and therefore deprived of a personal relationship with the Creator; what is technologically achievable becomes morally licit, every experiment is acceptable, every population policy is allowed, every manipulation is legitimized. The most dangerous pitfall of this line of thought is, in fact, humanity’s *absolutization*: human beings want to be ‘*absolutus*’, i.e., released from every tie and every natural constitution. Man pretends to be independent and thinks that by the sole affirmation of himself lies his happiness. Man disagrees with his own nature ... By then, there exists only man in abstraction who then makes a choice for himself in all autonomy something he prefers for his own nature. It deals with a radical denial of his ‘*creatureness*,’ and the ‘*filiality*’ of man that ends in a dramatic solitude.”<sup>5</sup>

When a man is no longer bound to observe the precepts that are inscribed in the very *humanum* (human nature) of each individual, he becomes the sole master not only of his destiny but also that of others. To satisfy his *para* and *meta* human independence and cravings, he arrogates the power to modify his physical and/or sexual identity, the natural subjects of marriage, the bearing structures (structural pillars) of the family, and the essence of the very life itself.

Let us try to understand the causes of the ‘misconception’ of the natural and divine institution of marriage and family and the underlying ideologies that influence consciously or unconsciously those, especially the advocates and legislators, who

<sup>3</sup> *Ibid.*, 166.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

would like to enact laws which are not only contrary to the anthropological nature of man, marriage, and family but also threaten and weaken the very nature of these divine and human institutions.

The first cause of such misconception is the deformation of the concept of the Natural Law, i.e., the natural order that will inevitably result in disorder, or worse, to the deformation and eventual destruction of the very nature of man, of marriage, and of family.

The second cause is the misuse of the power entrusted to man (reason = freedom) that may have variegated expressions such as the exaltation of the subjective right at the expense of the objective *ius* through legal positivism.

Let us start by delineating the concept of marriage briefly in the natural order, the anthropological and philosophical nature of marriage, the Roman Law on Marriage as *ratio scripta*, i.e., extension of natural law, marriage in the supernatural order, the theological nature of marriage, the Conciliar teaching on marriage, and how the Church preserves, protects, defends the ‘*sanctity of marriage*.’

## **The Concept of Marriage**

### *Marriage in the Natural Order – Naturalis Ratio*

Marriage is defined as the human agreement between man and woman for the establishment of a domestic society in the natural order. Thus, it is a natural arrangement between two persons of the opposite sex endowed in virtue of their human physical constitution, with the means capable of forming the smallest unit of society through the procreative acts proper of rational individuals.

Marriage, therefore, geared towards the formation of the human family, is uniquely and exclusively a human reality, and *qua talis* defines the content of the very nature of marriage and family as natural institutions. The question is, how does human nature make marriage an institution distinct from any other social institution?

As a natural institution, marriage is not only a biological and human fact but also a legal reality. It is a biological reality insofar as the marriage between two persons of the opposite sex is the most suitable human relationship wherein sexual union for a reproductive end is realized. In fact, the sexuality, the capacity to procreate, and the human reproductive anatomy are constitutive elements of marriage both in the natural and supernatural order. However, the spiritual values of man and his dignity as a human person cannot reduce marriage into a mere act of sexuality insofar as marriage is not only a human fact but also a human act. These acts are proper

of human beings with intellect and will capable of establishing a stable union that will place them together in another legal status, i.e., the marital state. Therefore, it becomes a legal reality wherein specific norms regulate the union between man and woman: *lex non scripta* and *lex scripta*.<sup>6</sup>

In the natural order established by God in the act of creation,<sup>7</sup> man and woman were created with equal dignity capable of loving one another and by divine mandate destined to proliferate the human family. The affirmation of the equal dignity of each one of them is ontologically connected to their sexuality in the corporeal sense: male and female. Thus, the dignity as individual human person distinct to one another by reproductive function and destined to form a human family is of natural and divine constitution decreed by God in the very act of establishing the natural order, i.e., the natural law (*lex non scripta* but a law inscribed in the very human nature of man and woman).<sup>8</sup>

St. John Paul expounded this divine mandate of the natural law in the Encyclical letter *Veritatis Splendor*, 50, 1: “it refers to man’s proper and primordial nature, the ‘nature of the human person,’ which is the person himself in the unity of soul and body, in the unity of his spiritual and biological inclinations, and of all the other specific characteristics necessary for the pursuit of his end. The natural moral law expresses and lays down the purposes, rights, and duties, which are based upon the bodily and spiritual nature of the human person. Therefore this law cannot be thought of as merely a set of norms on the biological level; instead, it must be defined as the rational order whereby man is called by the Creator to direct and regulate his life and actions and in particular to make use of his own body.”

### *Anthropological and Philosophical Nature of Marriage*

The anthropological nature of marriage, therefore, is founded on the nature of male and female as human persons and on the procreation as an act proper of that institution inasmuch as it is the highest expression of the sexual inclinations

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<sup>6</sup> Cf. Pro Milone., IV, 10, in *M. Tulli Ciceronis Orationes*, edited by A. C. Clark, Clarendoniano, Oxonii 1964: “*non scripta, sed nata lex... rerum ex natura ipsa adripuimus, hausimus, expressimus...*”

<sup>7</sup> “So God created human beings in his own image; male and female He created them. Then, God blessed them and said: ‘Be fruitful and multiply. Fill the earth and govern it’ (Gen. 1: 27-28). “This one is bone from my bone and flesh from my flesh! She will be called woman because she was taken from man. This explains why a man leaves his father and mother and is joined to his wife and the two are united into one” (Gen. 2: 23 – 24).

<sup>8</sup> C. Morerod, “Nature and Natural Law in Catholicism and Protestantism” in Aa. Vv., *The Nature and Dignity of the Human Persons as the Foundation of the Right to Life. The Challenges of the Contemporary Cultural Context – Proceedings of the VIII Assembly of the Pontifical Academy for Life*, edited by Correa, Juan De Djos and Sgreccia, Elio, Libreria Editrice Vaticana 2003, 67 – 76; especially the summary on page 70.

of man and woman embodied in their spiritual, psychological, and biological unity demanded by the ontological truth of the one and the other as social beings in charge of propagating the human race. “Indeed, natural inclinations take on moral relevance only insofar as they refer to the human person and his authentic fulfilment, a fulfilment which for that matter can take place always and only in human nature” (VS, 50). Thus, the anthropological foundation of marriage and procreation is the human nature of male and female in their complementarity in view of posterity.

The body is the sign of the person; the person is signified by and in his/her body. If the nature of man and woman determines the *raison d'être* of marriage and procreation, these individuals are thus naturally inclined toward the *bonum proles* as the perfection of their beings. Their natural inclination tends toward the ontological *bonum* that is the union of the spouses and the procreation of offspring, which *per se* are the couple's natural obligations. This is the philosophical (metaphysical or ontological) nature of marriage: the *actus primo* is the marriage itself, while the *actus secundo* is the perfection of their beings in the act of procreation; the purpose for which they are endowed with distinct reproductive functions, i.e., for paternity and maternity that perfect their being male (husband) and female (wife) capable of generating another rational individual of the same nature.

#### *Roman Law Marriage as Ratio Scripta*

In conformity with their being (*esse*) male and female, their actions (*agere*) should lead to that act of procreation that establishes a conjugal society: *agere sequitur esse*. Thus, male and female are naturally inclined to establish a partnership in a specific form that is proper of the '*societas coniugalis*,' i.e., '*consortium maris et foeminae*.' This peculiar kind of union (marital) distinguishes man from other living species on earth, especially that of the animal kingdom. The *Ius Romanum* institutionalized this natural and human '*consortium coniugalis*,' thereby, making it a civil and social institution. In fact, during the classical period of the Roman Law, (ca. 27 BC to ca. 284 AD) a union between persons of opposite sex is considered *iustae* or *legittimae nuptiae* (*iustum* or *legitimum matrimonium*) whenever a man and a woman, endowed with *connubium*, established between themselves a conjugal relationship with the reciprocal, effective, and continuous will to be united enduringly in a marriage onto which legal effects were ascribed.

It was widely accepted that the Roman law was an extension of *ius naturale*, i.e., the «*ratio scripta*» embodying the principles of natural law that is common to all races at all times and in different places insofar as inherent in human rationality.<sup>9</sup> It was considered as a 'written' *naturalis ratio* because its provisions conformed with

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<sup>9</sup> Cf. Digesta 1, 1, 9; Institutiones 1, 2, 11; Digesta 1, 1, 6.

the norms of natural justice.<sup>10</sup> A formal definition of marriage in Roman Law was handed to us by Modestinus (ca. 250 AD): “*Nuptiae sunt coniunctio maris et feminae et consortium omnis vitae, divini et humani iuris communicatio*”<sup>11</sup> (the joining of a husband and a wife and resulting in a life-time companionship, divinely and humanly instituted). Thus, the Roman Law as *ratio scripta* acknowledged the foundation of marriage in the partnership of husband (male) and wife (female) for a lifetime ‘*liberorum procreandorum causa*’<sup>12</sup> (for the sake of generating offspring) and sharing the same civil and religious rights.<sup>13</sup> In the post-classical period of Roman Law, marriage was already widely accepted as a bilateral transaction contracted based on the conventional agreement between man and woman. It had all the legal requisites for the protection of the law because the husband and wife were to become a single social unit, i.e., a (*societas domestica*) domestic society. The influence of the Roman concept of marriage is vast and enduring so much so that it is still embedded to date in almost all the modern civil legislations and codes.<sup>14</sup>

<sup>10</sup> Cf. V. Cathrein, *Moralphilosophie. Eine wissenschaftliche Darlegung der sittlichen, einschliesslich der rechtlichen Ordnung*, Herder, Freiburg, 1904, vol. II, 336. In fact, *Providentissima Mater Ecclesia*, the apostolic constitution that promulgated the Code of Canon Law in 1917 affirmed that “with God’s assistance, she [Church] reformed and brought to Christian perfection the very law of the Romans, that wonderful monument of ancient wisdom which is deservedly styled written reason, so as to have at hand, as the rule of public and private life improved, abundant material both for medieval and modern legislation” (E. Peters, *The 1917 Pio-Benedictine Code of Canon Law*. Ignatius, San Francisco, 2001, 21-22. See also W. Waldstein, “The Capacity of Human Mind to Know the Natural Law” in Aa. Vv., *The Nature and Dignity of the Human Persons as the Foundation of the Right to Life. The Challenges of the Contemporary Cultural Context – Proceedings of the VIII Assembly of the Pontifical Academy for Life*, edited by Correa, Juan De Dios and Sgreccia, Elio, Libreria Editrice Vaticana 2003, 29 – 35.

<sup>11</sup> Digesta 23, 2, 1.

<sup>12</sup> It was generally accepted in the classical period that marriage existed for the sake of procreation and education of children, and this supposition was manifested in the Roman legislation and jurisprudence. Cf. J. Gaudemet, “Les legs du droit Romain en matière matrimoniale” in *Sociétés et Mariage*, (1980) 344-345; Id., *L’Église dans L’Empire romain* (1958) 518-519 and 535.

<sup>13</sup> Digesta 1, 1, 3: “*Hinc liberorum procreatio, hinc educatio.*”

<sup>14</sup> Cf. Denmark *Codex Holmiensis*, 1241; Castilian Statutory Code *Siete Partidas*, 1284; Bavarian *Codex Maximilianus bavaricus civilis*, 1756; General National Law for the Prussian States *Allgemeines Landrecht für die Preussischen Staaten*, 1794; France’s *Code Civil des Français*, 1804; Austrian’s Civil Code *Allgemeines bürgerliches Gesetzbuch* (ABGB), 1811; The Netherlands’ *Burgerlijk Wetboek*, 1838; Italy’s *Codice civile italiano*, 1865; Portugal’s *Código Civil*, 1868; Spain’s *Código Civil*, 1889; Germany’s *Bürgerliches Gesetzbuch* (BGB), 1900 and Swiss’ Civil Code *Zivilgesetzbuch*, 1907. “Thus knowing natural law is not a question of some more or less reliable philosophical theories, but a reality in the legal culture not only of Europe, but of the entire World. It is only on this basis that human rights declarations and conventions can have any substantial meaning” (W. Waldstein, *op. cit.* 35). See also: R. David, - J. E. Brierley, *Major Legal Systems in the World Today: An Introduction to the Comparative Study of Law*, Simon & Schuster NY, 1978, 584 pp; P. De Cruz, *Comparative Law In A Changing World Publisher*, Cavendish Publishing Limited Pub, UK. 1999, 532 pp; P. Glenn, “Comparative Legal Families and Comparative Legal Traditions” in: M. Reimann - R. Zimmermann, *The Oxford Handbook of Comparative Law*, 2008, pp. 422-440; K. Zweigert – H. Kötz, *An Introduction to Comparative Law*, Clarendon Press Oxford 1998, 714 pp.

## Marriage in the Supernatural Order: Divine Revelation

The institution of marriage in the natural order becomes an explicit divine will and mandate in the Order of Grace in both the Old and New Testaments through the scriptural passages. In fact, the Sacred Scripture narrates:

“So God created human beings in his own image; male and female He created them. Then, God blessed them and said: ‘Be fruitful and multiply. Fill the earth and govern it’ (Gen. 1: 27-28).

“This one is bone from my bone and flesh from my flesh! She will be called woman because she was taken from man. This explains why a man leaves his father and mother and is joined to his wife and the two are united into one” (Gen. 2: 23 – 24).

“Haven’t you read,” Jesus replied, “that at the beginning the Creator ‘made them male and female,’ and said, ‘For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh’? So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate” (Matthew 19: 4).

Moreover, the books of Ruth and Tobit bear moving witness to an elevated sense of marriage and the fidelity and tenderness of spouses (Catechism of the Catholic Church, 1611). The Church attaches great importance to Jesus’ presence at the wedding at Cana. She sees in it the confirmation of the goodness of marriage and the proclamation that thenceforth marriage will be an efficacious sign of Christ’s presence (CCC 1613) in the Order of Redemption.

Thus, Jesus Christ raised the same natural human institution to sacramental dignity among the baptized; thereby, becoming precept of divine positive law in the Order of Grace. The “intimate community of life and love that constitutes the married state has been established by the Creator and endowed by him with its own proper laws.” (CCC, 1603) God himself is the author of natural and supernatural marriage.

By natural law, “marriage is written in the very nature of man and woman as they came from the hand of the Creator,” but “it is not a purely human institution” because “it has been raised by Christ the Lord to the dignity of a sacrament between the baptized.” Unquestionably, it deals with the very same «natural law marriage», a natural institution that is elevated to the supernatural level and has become a sacrament by the will of God who is not only the *auctor naturæ* (natural order) but also the *auctor gratiæ* (Order of Grace). The indispensable passage from natural to supernatural institution, i.e., from natural marriage to sacramental marriage can happen only through the reception of the sacrament of Baptism.

In the new economy of salvation, the couple enjoys the conjugal grace proper of the Sacrament of Matrimony. It is the specific manner in which grace works in the

person who receives the sacrament. It is a peculiar constitution of a *state of right*, i.e., the husband and wife are placed in a status that entitles them (gives them the right) to have all the actual graces that allow them to fulfill their natural and Christian marital obligations. It is a gift proper for this sacrament. It is the first grace that constitutes the right to obtain the grace of redemption among Christian couples.<sup>15</sup>

### *Marriage in the Conciliar Text*

The Second Vatican's Council Pastoral Constitution *Gaudium et Spes* highlights what has already been established in the natural order and reaffirmed the same reality in the Order of Redemption. In fact, "the intimate partnership of married life and love has been established by the Creator and qualified by His laws, and is rooted in the conjugal covenant of irrevocable personal consent. Hence by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their offspring as well as of society, the existence of the sacred bond no longer depends on human decisions alone" (GS, 48).

The 'own proper laws' (GS, 36 and 48), i.e., 'the law inscribed in their *esse*' of which the Council speaks are none other than the very nature of the human person as man (male) or woman (female) and the unity of their biological, psychological, and spiritual inclinations. "The affirmation of marriage as the institution, whose intimate configuration does not depend on the free determination of the persons getting married, is the necessary consequence of the foundation of marriage in the nature of the human person."<sup>16</sup> Thus, it is the natural institution elevated to a superior level, becoming a sacrament of salvation for the spouses, i.e., the order of redemption and grace.

<sup>15</sup> Catechism of the Catholic Church (hereinafter CCC) 1641: "By reason of their state in life and of their order, [Christian spouses] have their own special gifts in the People of God."<sup>147</sup> This grace proper to the sacrament of Matrimony is intended to perfect the couple's love and to strengthen their indissoluble unity. By this grace they "help one another to attain holiness in their married life and in welcoming and educating their children." CCC 1642 *Christ is the source of this grace*. "Just as of old God encountered his people with a covenant of love and fidelity, so our Savior, the spouse of the Church, now encounters Christian spouses through the sacrament of Matrimony." Christ dwells with them, gives them the strength to take up their crosses and so follow him, to rise again after they have fallen, to forgive one another, to bear one another's burdens, to "be subject to one another out of reverence for Christ," and to love one another with supernatural, tender, and fruitful love. In the joys of their love and family life, he gives them here on earth a foretaste of the wedding feast of the Lamb." CCC 1661 The sacrament of Matrimony signifies the union of Christ and the Church. It gives spouses the grace to love each other with the love with which Christ has loved his Church; the grace of the sacrament thus perfects the human love of the spouses, strengthens their indissoluble unity, and sanctifies them on the way to eternal life (cf. Council of Trent: DS 1799).

<sup>16</sup> C. Caffarra, "Natural Law, Marriage and Procreation" in Aa. Vv., *The Nature and Dignity of the Human Persons as the Foundation of the Right to Life. The Challenges of the Contemporary Cultural Context – Proceedings of the VIII Assembly of the Pontifical Academy for Life*, edited by Correa, Juan De Djos and Sgreccia, Elio, Libreria Editrice Vaticana 2003, 158.

Insofar as it is elevated to the dignity of Sacrament of Redemption, “the sacred bond no longer depends on human decision alone for the good of the spouses, of the children, and of the society.” It means that the conjugal community established through the exchange of free consent of both partners is not merely a contingent reality that depends on their freedom and satisfaction or as long as they want it to last. The spouses assumed at the moment of establishing the partnership of life the obligation without condition and reservation under the pain of nullity of the legal act for their good, that of their children and the society at large. This is the *raison d’être* of the essential properties of marriage: unity and indissolubility.

For, God Himself is the author of matrimony, endowed as it is with various benefits and purposes. All of these have a very decisive bearing on the continuation of the human race, on the personal development and eternal destiny of the individual members of a family, and on the dignity, stability, peace, and prosperity of the family itself and of human society as a whole. By their very nature, the institution of matrimony itself and conjugal love are ordained for the procreation and education of children, and find in them their ultimate crown. Thus a man and a woman, who by their compact of conjugal love ‘are no longer two, but one flesh’ (Matt. 19: 4), render mutual help and service to each other through an intimate union of their persons and of their actions. Through this union they experience the meaning of their oneness and attain to it with growing perfection day by day. As a mutual gift of two persons, this intimate union and the good of the children impose total fidelity on the spouses and argue for an unbreakable oneness between them (GS, 48).

Pope Francis, in his recent apostolic visit in the Republic of Ireland on August 25, 2018 at the Cathedral of Dublin, warns the Christian couples of the dominant and prevailing “culture of provisional:” “*Noi viviamo una cultura del provvisorio... Quel “per tutta la vita” è un impegno da far crescere l’amore, perché nell’amore non c’è il provvisorio. L’amore è così: tutto e per tutta la vita. È facile oggi rimanere prigionieri della cultura del provvisorio, dell’effimero, e questa cultura aggredisce le radici stesse dei nostri processi di maturazione, della nostra crescita nella speranza e nell’amore.*”<sup>17</sup> This culture of provisional is contrary to the essential properties of marriage insofar as the marital bond, once validly contracted, remains one and indissoluble for the duration of the entire life of the Christian spouses.

### *Theological Nature of Marriage*

The theological nature of Marriage, founded and endowed with its own special laws by the Creator, therefore, consists of the original Christian vocation of

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<sup>17</sup> Francis, “Il dialetto dell’amore insegnato ai figli,” in *L’Osservatore Romano*, Year 108, n. 193, 25 Agosto 2018, 2.

man and woman for an intimate communion of life and love establishing thereby an *Ecclesia domestica* ordered to the generation and education of children and the mutual perfection of the spouses through the grace proper of the sacrament of the New Law.<sup>18</sup>

The sublime vocation of the spouses defines their mission to become the light of the world and the salt of the earth amidst the dangers threatening the dignity of the Sacrament of Marriage.<sup>19</sup>

Against any insidious attack aimed at destroying marriage and family, the Church as *societas iuridice perfecta*,<sup>20</sup> has the social and ecclesial structures that teach, preserve, defend, actualize, and govern the valid and lawful celebration of the Sacrament of Matrimony. She has all the legal means to preserve and protect the dignity of the sacrament against any attempt of distortion of the truth about marriage. These legal protections are effective because the Catholic Church has an independent legal order or system, i.e., Canon Law that is totally independent from Civil Law.

### **The Sacrament of Marriage is Safeguarded by Canon Law**

There are 111 canonical norms that regulate the exercise of the *ius connubii*, i.e., the natural right to marry, from the very start through the preparation and assistance (remote, proximate, and immediate ex can. 1063) of the couple until its valid and licit celebration. There is a fourth stage of support in accord with the *Familiaris consortio*, 66, i.e., pastoral assistance to the already established family; it is an on-going or permanent formation. Furthermore, another stage is contemplated by the Apostolic Letter *Motu Proprio* of Pope Francis, *Mitis Iudex Dominus Iesus* and *Mitis et Misericors Iesus* enjoining the establishment in every parish and diocese of a 'pastoral and pre-judicial counselling' aimed at the accompaniment of the Christian couples who are undergoing the most challenging period of their marital life.<sup>21</sup>

<sup>18</sup> Cf. Gen 1: 28; 3:16-19; Council of Trent: DS 1799; CCC, 1641, 1660, Codex Iuris Canonici (hereinafter CIC), can. 1055 § 1; Gaudium et Spes (GS) 48 § 1; Lumen Gentium (LG) 11; Familiaris Consortio (FC) 21.

<sup>19</sup> Cf. FC, 69.

<sup>20</sup> The Catholic Church is an independent legal ecclesial society that is equal in dignity and autonomy just like any other sovereign state because it has all the necessary resources and conditions to achieve her overall goal (final end) of the universal salvation of mankind. For this reason, the canonical positive order just like any legal order is composed of complex of norms and institutions that concretize and determine the indispensable order established by Jesus Christ for the Church as a *societas perfecta* (according to the principle *ubi societas ibi ius*, human element = *ius humanum ecclesiasticum*) and as an ordinary means of salvation of souls (divine element = *ius divinum*).

<sup>21</sup> Cf. Francis, Apostolic Letters *Motu proprio* 'Mitis Iudex Dominus Iesus' and 'Mitis et misericors Iesus' in *L'Osservatore Romano*, Year 155, n. 204, 3-6; MEMI, AAS 107 (2015) 946 - 957; MIDI AAS 107 (2015) 958 - 970; *Communicationes* 47 (2015) I, 283-295; II, 296-304; *Ratio Procedendi*, 305-308.

Moreover, there are three sets of canonical norms essential to assure that nothing stands in the way to a valid celebration of the matrimonial contract: the diriment impediments, the defects of consent, and the canonical forms for the celebration of marriage.

Twelve canonical provisions refer to diriment impediments. A diriment impediment renders a person incapable of validly contracting marriage. Therefore, in the first place, an impediment is a law that prohibits a certain person from celebrating marriage; second, it is a divine-positive disqualifying law, thereby *ad normam can.* 10 that renders the person ineligible (incapacitated=make legally ineligible) either for any marriage or for a particular kind of marriage. Consequently, a marriage celebrated by an ineligible person renders not only unlawful but also automatically invalidates the contract *ipso iure*. A diriment impediment is either natural or of ecclesiastical origin that disqualifies a person from entering into a valid matrimonial contract and sacrament. There are three diriment impediments of natural law: 1] impotence (can. 1084); 2] previous bond (can. 1085); and 3] consanguinity (can. 1091) and nine impediments of ecclesiastical law: 4] age (can. 1083); 5] disparity of cult (can. 1086); 6] Holy Order (can. 1087); 7] public vow of chastity (can. 1088); 8] abduction of woman only in CIC (can. 1089); 9] crime of conjugicide (can. 1090); 10] affinity – legal relationship (can. 1092); 11] public propriety (can. 1093); and 12] adoption (can. 1094).

Consent is the fundamental constitutive element of marriage: “*nuptias consensus facit*” (can. 1057 §1). In order to verify that the consent to be given by the parties is a valid matrimonial consent, it is necessary that the contractants really intend to enter into a lifetime commitment legally binding for the entire duration of the marriage. The legislator enacted the list of defects of matrimonial consent in canons 1095-1103 by dividing it into two classifications; thus, on the part of the intellect: 1] lack of sufficient use of reason (can. 1095, 1); 2] grave defect of discretion of judgment (can. 1095, 2); 3] impossibility to assume the essential marital obligations due to causes that are psychic in nature (can. 1095, 3); 4] ignorance (can. 1096); 5] error (can. 1097); 6] imposed error or fraud and deception (can. 1098); and on the part of the will: 7] exclusion or simulation (can. 1101); 8] condition (can. 1102); 9] fear (can. 1103).

The canonical form for the celebration of marriage assures the licit and valid matrimonial bond contracted by the spouses. There are two canonical forms: ordinary in can. 1108 and extraordinary in can. 1116.

The structure of the canonical form as an ordinary and the proper manner of celebrating a marriage is delineated explicitly in the first paragraph of the canon:

the ministers or contractants, the ecclesiastical deputy (*ecclesial assistens*), and two witnesses. These constituent elements all together comprise the ordinary form of canonical marriage *ex can.* 1108.

In the civil order, the law on the form of the celebration of marriage is usually rigid and inflexible, unlike in the canonical order of the Catholic Church whose maternal and pastoral care shows reasonable flexibility to assist the faithful in different situations and in that way provide for the good of their souls.<sup>22</sup>

Aside from the ordinary canonical form of the celebration of marriage prescribed in can. 1108, there is another form of its celebration in the presence of the witnesses alone and without the intervention of the ecclesiastical deputy who ordinarily assists *in nomine Ecclesiae* contemplated in can. 1116. It is the so-called extraordinary canonical form of marriage contemplated in can. 1116.

Taking into serious consideration the Roman Law maxim: “*omnis definitio in iure periculosa est, parum est enim ut suberti non possent*,”<sup>23</sup> it should be noted that the Code of Canon Law does not give in *stricto sensu* an exact definition of marriage; however, it describes the very nature of marriage according to the canonical doctrine and tradition enacted by the Supreme Legislator.

Canon 1055 §1. The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of offspring; this covenant between baptized persons has been raised by Christ the Lord to the dignity of a sacrament.

§2. For this reason a matrimonial contract cannot validly exist between baptized persons without being also a sacrament by that fact.

It is evident that the canon surpasses the classical definition of marriage in accordance with the Conciliar teachings of *Gaudium et Spes*; thus, it is more dynamic and expressive. It is not a legal definition; however, it offers an excellent description of marriage. First, in its establishment as *matrimonium in fieri*, i.e., as *actus quo* or the matrimonial covenant in its pure state by which a man and a woman have established between themselves a *consortium totius vitae*: a lifetime partnership. Second, in its successive stages through the *matrimonium in facto esse* as a *realitas permanens*, i.e., the matrimonial covenant in the execution of all the rights and obligations proper to the marital status for the entire duration of the conjugal partnership.

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<sup>22</sup> Cf. canon 1108 – 1123 for the ordinary and extraordinary canonical forms; canons 1130 – 1133 for the secret celebration of valid marriage.

<sup>23</sup> Digesta 50, 17, 202.

### *The Same Natural Institution*

It describes the natural or human reality of marriage in all its aspects. The Lord Jesus Christ has raised the same natural human institution to sacramental dignity among the baptized. The canon, therefore, is an authoritative interpretation of natural law and a standard norm according to which all marriages are to be measured, whether the spouses are baptized or not.<sup>24</sup>

### *A Consortium Totius Vitae*

In the classical definition of marriage, a particular emphasis is given to the lifetime partnership. This is clear in the definition of Modestinus: *consortium totius vitae* that implies an intimate union of persons forming the smallest unit of the community who share a common destiny and project of life. It is a specific marriage to specific persons of opposite sex committed to one another for the whole life in an interpersonal relationship. Thus, it is not a union for a period of time but for the entire life of the spouses.<sup>25</sup>

### *Ends of Marriage*

Marriage as an institution of the natural order has certain ends or purposes deeply embedded in the nature itself of the institution (*finis operis*) and are independent of the will or intention of the spouses (*finis operantis*). There are two ends of marriage: *the procreation and the education of children* and *the conjugal love*

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<sup>24</sup> “Il Diritto Canonico suppone che l’uomo come tale, anche senza grande istruzione, intenda fare un matrimonio secondo la natura umana, come indicato nei primi capitoli della Genesi. È uomo, ha la natura umana, e quindi sa che cosa sia il matrimonio. Intende fare quanto gli dice la natura umana. Da questa presunzione parte il Diritto Canonico. È una cosa che si impone: l’uomo è uomo, la natura è quella e gli dice questo.” Benedict XVI, Allocutio, *Summus Pontifex convenit clerum dioecesium Bellunensis-Feltrensis et Tarvisinae*, 24 iul. 2007, in AAS 99 (2007) 718-719. “Anche la struttura naturale del matrimonio va riconosciuta e promossa, quale unione fra un uomo e una donna, rispetto ai tentativi di renderla giuridicamente equivalente a forme radicalmente diverse di unione che, in realtà, la danneggiano e contribuiscono alla sua destabilizzazione, oscurando il suo carattere particolare e il suo insostituibile ruolo sociale. Questi principi non sono verità di fede, né sono solo una derivazione del diritto alla libertà religiosa. Essi sono iscritti nella natura umana stessa, riconoscibili con la ragione, e quindi sono comuni a tutta l’umanità. L’azione della Chiesa nel promuoverli non ha dunque carattere confessionale, ma è rivolta a tutte le persone, prescindendo dalla loro affiliazione religiosa. Tale azione è tanto più necessaria quanto più questi principi vengono negati o mal compresi, perché ciò costituisce un’offesa contro la verità della persona umana, una ferita grave inflitta alla giustizia e alla pace” (Id., Allocutio, *Recurrente Universali XLVI Die precationi pro pace dicato*, 8 dic. 2012, in AAS 105 (2013) 67.

<sup>25</sup> Cf. CIC can. 1055 §1: “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.” Also, GS 48: “*Intima communitas vitae et amoris coniugalís, a Creatore condita suisque legibus instructa, foedere coniugii seu irrevocabili consensu personali instauratur.*”

*and mutual perfection of the spouses.* They are considered not only values intrinsically connected with the institution but are also the ends of the conjugal covenant itself.

Unlike the Old Code (1917), the New Code (1983) does not propose a hierarchical ordering of the ends of marriage.<sup>26</sup> There is no primary and secondary end of marriage, but both are considered equally essential and inseparable in the realization of the conjugal bond.

### *Essential Properties of Marriage in Canon 1056*

The nature of marriage cannot be confined only in its principal characteristics of *foedus* and sacrament. Marriage as a natural institution “is ordered toward the good of the spouses and the procreation and education of offspring” (can. 1055 §1). It means that marriage is ordered to an end that comprises the very essence of the natural institution.<sup>27</sup> Furthermore, it has two essential properties that are inherent qualities in accordance with the nature itself of the marital union and, as such, do not depend on the will of the contractants. The ends of marriage are explicitly stated in can. 1055 §1, while the two essential properties of marriage are directly specified in can. 1056:

The essential properties of marriage are unity and indissolubility, which in Christian marriage obtain a special firmness by reason of the sacrament.

### **The Institution of Marriage Safeguarded by Civil Law**

In order to further strengthen as well as protect this natural institution, Canon Law ‘*canonizes*’ specific civil provisions on Marriage and Family that are not contrary to natural and divine positive law. In fact, *ex can. 22* the provision enjoins: “Civil laws to which the law of the Church yields, are to be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless canon law provides otherwise.”

### *Civil Marriage as Natural Law Contract*

Theoretically, a civil marriage may be considered as a concrete example of natural law marriage for various acceptations. First, civil marriage in its natural characteristics and requisites is marriage celebrated validly and in conformity with the solemnity of the provisions of civil law and is performed before the authorized state-civil authority (Family Code of the Philippines, Art. 56). Moreover, it is a valid marriage for those who are not bound to the observance of the canonical form insofar

<sup>26</sup> CIC 1917 can. 1013: “The primary end of marriage is the procreation and education of children; the secondary is mutual support and a remedy for concupiscence.”

<sup>27</sup> Cf. Digesta 1, 1, 3: “*Hinc descendit coniunctio viri et feminae, quam matrimonium appellamus.*”

as the civil solemnity, in some cases, is the only legal and natural form to have their marriage publicly solemnized and acknowledged.

*Marriage and Family as institutions of Civil Law are likewise ecclesiastical law in conformity with prescripts of canon 22 of the Code of Canon Law*

Canon Law makes the Philippine Constitutional provision on family its own and thereby becoming ecclesiastical norms binding for all Catholics in the country. This is an adaptation of the civil provisions in order to become an integral part of canonical norms through the ‘*canonization*’ or ‘*remittal*’ established by can. 22.<sup>28</sup> In

<sup>28</sup> It has already been consolidated in both *ius vetus* and *ius novum* by the canonical doctrine and tradition that the civil provisions become part of the ecclesiastical or canonical norms through the process of adaptation better known by the same doctrine and tradition as the ‘*canonization of civil provisions*.’ In fact, Stickler, A.M., *Historia Juris Canonici Latini – Institutiones Academicæ, I: Historia Fontium*, LAS – ROMA 1985, 441: “*Licet auctoritati civili nulla competat potestas ferendi leges ecclesiasticas aut dispositiones Ecclesiam et fideles in rebus ecclesiasticis legantes, nihilominus «Leges imperatorum in adiutorium Ecclesiae licet assumere» (Rubrica Gratiani ad c. 7, D. X). Revera decursu saeculorum Ecclesia expresse probavit leges civiles recipiens eas in ordinem suum iuridicum; et hodie adhuc plura ex iure civili sua facit, ita ut stratum iuris ecclesiastici proprium, licet exiguum, constituatur his legibus «ab Ecclesia receptis» seu «canonizatis», quae eodem modo in Ecclesia vigent atque in Statu vel singulorum Statuum legislationibus, nisi expresse eis in quibusdam derogetur. Ut ex Codice Iuris Canonici exempla huius canonizationis afferamus, notamus cann. 33, 581 §2, 1059, 1063 §3, 1080, 1301, 1508, 1513, 1529, 1770 §2, 1813 §2, 1814, 1926. Neminem fugit iuri canonico altius student vel operam navanti necessariam esse cognitionem iuris civilis quoque, saltem propriae nationis vel regionum, in quibus praxis canonicae operam navat. Quia tamen longum est his in Institutionibus Historiae iuris canonici omnes vel solum paucos fontes omnium Civitatum et legislationum, praeteritis, ab efformatione iurium nationalium, saeculis et hodie existentium et vigentium, enumerare, unumquemque ad proprium ius civile eiusque fontes remittimus.*” Moreover, in page 20, the author is very clear: “*Praeter fontes principals iuris canonici, de quibus in articulis praecedentibus sermo erat, in collectionibus, decursu saeculorum plus minusve alii fontes materiales secundarii una cum suis fontibus formalibus materialem normativam suppeditant. Ius civile facile locum principem inter eos tenet. Patet quod in rebus ecclesiasticis numquam per se ipsum fons fuit materialis, sed quatenus a legislatore ecclesiastico est receptum. Hoc sensu autem crebro in collectiones iuris canonici introductum est. Iamvero ante omnia ius romanum est memorandum. Non solum multa instituta canonica iuxta spiritum iuris romani sunt efformata, sed etiam leges ipsae romane a legislatoribus ecclesiasticis recognitae, **canonizatae sunt**. It should be very clear that this is a tradition that started in the Middle Ages and it is still in practice to date: “*Nec ignorandum est momentum Corporis Iuris Canonici pro iure civili: Conditio eminens Ecclesiae in vita publicæ medii aevi, unio utriusque potestatis illis temporalibus vigens, influxus reciprocos alterius ordinis iuridica in alterum, perspicuum redunt momentum universalis Corporis iuris can.: normae ibi contentae ad regendas etiam condiciones civiles inserviebant; nexus et receptor et adaptatio iuris romani et germanici ex parte iuris canonici illis quoque iuribus signum imprimunt e. gr. quoad influxum processus canonici in civilem. Uno vero Corpore Iuris Canonici una eum Corpore Iuris Civilis medio aevo «usu» sunt recepta. Fundamentum principale «iuris communis» una cum iure romano est ius canonicum (Ibid., 275 – 276).*”*

This process is clear in Italian commentaries. “*Nella terminologia canonistica si dice **canonizzazione** il rimando del Diritto canonico alle leggi civili, cioè l'accettazione delle leggi civili nell'ordinamento canonico. Il principio della sovranità delle due società è alla base della ricezione delle leggi civili o delle nazioni, la quale si avvale soprattutto del fatto che i fedeli appartengono allo stesso tempo alla società civile e alla Chiesa e sono soggetti ai due ordinamenti contemporaneamente. E come è ovvio, gli ordinamenti dei diversi Stati sono differenti e le norme su determinate materie differiscono da un luogo all'altro. Per cui queste differenze non possono essere contenute nel Codice. Questa è la causa per cui si rimanda agli ordinamenti legislativi degli Stati. Da quanto detto, risulta ovvio che i canonici non rimandano alle leggi*

fact, the Church adapts Article XV – The Family constitutional provisions as her own:

Section 1. The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State.

Section 3. The State shall defend:

- (1) The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;
- (2) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;
- (3) The right of the family to a family living wage and income; and
- (4) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

Section 4. The family has the duty to care for its elderly members but the State may also do so through just programs of social security.

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*civili di un determinato Stato, ma a quelle dei luoghi dove si trovano i fedeli, che sono differenti. Segue l'adagio locus regit actum (J. García Martín, CMF., Le norme generali del Codex Iuris Canonici, seconda edizione, EDIURCLA Roma, 1996, 133 -134).* There is a canonical obligation to observe those civil provisions 'canonized' by the Church: "Le leggi civili hanno valore giuridico nell'ordinamento della Chiesa in quanto sono recepite da essa. I fedeli devono seguire determinate leggi civili anche con obbligo canonico. Ci sono canonic che dispongono che certe materie siano regolate secondo le disposizioni civili delle nazioni o luoghi. Si tratta di materie sulle quali il legislatore ecclesiastico si astiene dal dare leggi. Il richiamo alle leggi civili, leggi propriamente dette o regolamenti, obbedisce a un duplice motivo. Il primo è che, in determinate circostanze, i fedeli sono tenuti a seguire le disposizioni civili e non è loro consentito seguire le possibili disposizioni della Chiesa. Il secondo motivo è che, su determinate materie comuni di ordine temporale, specifiche, tecniche e particolari, la Chiesa non ha disposto nulla perché ritiene sufficiente quanto disposto dalla società civile (Ibid., 134). Riguardo alle materie il nuovo Codice ha conservato in parte quelle canonizzate dalla legislazione precedente e ha aggiunto altre, quelle: sulle prescrizioni, sia estintive sia prescrittive (can. 197; 1268; 1492, §1), sui contratti (can. 1290), sull'adozione (can. 110), sul testamento e sulla rinuncia ai propri beni da parte dei religiosi (can. 668, §§ 1 e 4), sulla trascrizione, sul compromesso e sull'arbitrato (can. 1713-1714) [Ibid]. See also, P. Ciprotti, "Le «leggi civili» nel nuovo Codice di diritto canonico", in Aa. Vv. *Il nuovo Codice di diritto canonico. Novità, motivazione e significato*, P.U. Lateranense, Roma 1983, 523 – 535.

Similarly, the Spanish commentaries have the same terminology. "De todos modos, para los casos en los que no es posible o no resulta conveniente el acuerdo entre la Santa Sede y los Estados, existe otro camino, más simple, para llegar a una legislación común al ordenamiento civil y canónico. La Iglesia, que reconoce con toda claridad la soberanía propia del Estado y la validez ordenamiento jurídico civil, tiene también la libertad de adoptar como propias las normas civiles cuando lo cree conveniente. Y es lo que hace en algunas oportunidades, cuando la ley civil sobre una materia de competencia común a la Iglesia y a la sociedad civil es compatible con el derecho divino (natural y positivo) y con el derecho eclesiástico, tomando la decisión unilateral de adoptar como propias las determinaciones del ordenamiento civil. Cuando la iglesia remite, para una materia determinada, a la ley civil de cada lugar, está adoptando como ordenamiento canónico, es decir, con fuerza de ley canónica, las disposiciones de la ley civil de cada país. Esta posibilidad, prevista en el canon 22, es llamada habitualmente "canonización" de la ley civil, ya que consiste en la decisión unilateral de la Iglesia, de adoptar como "ley canónica" para un determinado territorio la ley civil de ese lugar. De esta manera, la ley civil se convierte verdaderamente en ley canónica, con los mismos efectos

Canon Law ‘canonizes’ the Philippine Constitution for the mere fact that it is imbued with the principles of natural law and is considered part of the constitutional system.<sup>29</sup> Similarly, the Supreme Court has always employed natural law in many of its past decisions.<sup>30</sup>

More so, Canon Law adapts provisions of the 1987 Family Code which are not contrary to divine law and do not contradict existing canonical provisions. Article 52 is an example of the ‘*canonization*’ of the *Civil Code of the Philippines, Book I – Persons; Title III-Marriage, Chap. 1 – Requisites of Marriage*.

Art. 52: Marriage is not a mere contract but an inviolable social institution. Its nature, consequences, and incidents are governed by law and not subject to stipulation, except that the marriage settlements may to a certain extent fix the property relations during the marriage.

Moreover, some civil provisions contemplated in Title III – “*Marriage*” to Title VI – “*Property Relations*” (articles 52 – 215) are to be considered integral parts of the ecclesiastical norms provided that they are not contrary to the precepts of can. 22. Like the Philippine Constitution, the Civil Code of the Philippines contains provisions in which natural law is expressly mentioned, thereby, making the provisions therein “*servatis aliis de iure servandis*” adapted ecclesiastical norms. Furthermore, these provisions are considered ‘*ius publicum ecclesiasticum externum*,’ that is, public ecclesiastical external law.<sup>31</sup> The public ecclesiastical law is a complex

*que cualquier otra ley de la Iglesia. Dos condiciones son necesarias, además de la remisión hecha por el ordenamiento canónico, para que tenga efecto la “canonización” de la ley civil. Si no se cumplen estas condiciones, la ley civil no podrá tener valor ni vigencia ninguna dentro del ordenamiento canónico: a) Que la ley civil no sea contraria al derecho divino, ya sea natural o positivo. b) Que la ley civil no sea contraria a una disposición del ordenamiento canónico. Como no se distingue en esta condición, debe entenderse sin distinciones: que no sea contraria a una determinación de carácter universal o particular, del código o extracodicial, de leyes o de costumbres con fuerza normativa, etc. (A. Bunge, Técnica legislativa canónica, in Materia dictada en Facultad de Derecho, Pontificia Universidad Católica Argentina 2003). See also, J. Miñambres, La remisión de la ley canónica al derecho civil, Roma 1992, 68 – 106. “Two types of remittal have been forcefully outlined in the canonical jurisprudence... The first is the formal remittal (or the non-receptive remittal), in which the received norm does not become part of the canonical system proper. The second is the material remittal (or receptive remittal), in which the received is incorporated into the canonical system proper. This second case is often referred to as the ‘canonization’ of the civil law” (J. Otaduy, “Commentary on Canon 22”, in Aa. Vv., Exegetical Commentary on the Code of Canon Law, Gratianus 2004, Vol. I, 377 – 378).*

<sup>29</sup> Cf. J. Gatdula, Natural law as law standard at Business world online <http://www.bworldonline.com/content.php?section=Opinion&title=natural-law-as-law-standard&id=72888>, February 9, 2018 at 9:44 pm.

<sup>30</sup> Cf. Republic of the Philippines vs Sandiganbyan: 104768 July 21, 2003: J. Tinga, En Banc, Separate Opinion at [http://sc.judiciary.gov.ph/jurisprudence/2003/jul2003/104768\\_tinga.htm](http://sc.judiciary.gov.ph/jurisprudence/2003/jul2003/104768_tinga.htm), February 9, 2018 at 9:51 pm.

<sup>31</sup> The *Jus Publicum Ecclesiasticum seu Jus Publicum Externum Ecclesiasticum*, i.e., Public Ecclesiastical Law of the State (or simply Ecclesiastical Law) is a part of the State legal system; thus, a branch of Civil Law, that regulates the exercise of the ‘religious freedom’ and its social effects in the entire civil legislation. It is not to be confused with the religious law, and it does not deal with one religious society but considers all religious confessions as subjects of rights and obligations on the part of the State. The norms serve to integrate all those legal precepts that affect the people, institutions, relationships, and activities that are directed towards religious and social ends, i.e., the regulation of

of norms promulgated by the civil public authority on socio-ecclesiastical matters that pertain to the religious phenomena in view of its relationship with the various religious confessions. The primary source of this branch of *utroque iure* is the treaty entered into by the State with the Catholic Church and other religious confessions like the Jewish religion and the other Protestant Christian denominations. The *ius publicum ecclesiasticum* is not an organized *corpus* of law but its provisions are diffused in various sectors where the legal system is articulated; they are oftentimes remanded to the Constitution, Codes (civil, penal, commercial, administrative, finance, etc.), and other legal instruments of legislative and administrative provisions.

With the foregoing, marriage and family as human and divine institutions are protected legally by *utrumque ius*, i.e., by civil and by canon law. Thus, the Church and State have all the necessary means against the ideologies inimical to marriage and family as fashioned in the mind of the Creator, made known through divine institutions and institutionalized in the civil society and its structures like in the Philippine legal system.

## Causes of the Distortion on the Truth about Marriage and Family

### *Deformation of the Concept of Natural Law*

There are many causes of the distortion of the true concept of marriage and family. On December 8, 1864 Pope Pius IX presented the Syllabus of Errors, wherein

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the social activities of religious phenomena. These include, among others, provisions of civil, labor, administrative, tax, mercantile, criminal law, etc. These norms are promulgated by the State, in agreement with the different religious denominations or unilaterally. These include, for example, the legal status of the religion and its ministers, tax exemptions for religious confessions, civil recognition of certain acts performed or carried out before them or judgments of their courts. See: G. Dalla Torre, *Lezioni di Diritto Ecclesiastico*, Giappichelli Editore Torino, 2014; Id, *La Città sul monte: contributo ad una teoria canonistica delle relazioni fra Chiesa e Comunità politica*, AVE Roma, 2007; G. Del Pozo Abejón, *La Iglesia y la libertad religiosa*, Madrid: BAC, 2007; D. García Hervás, *Manual de Derecho Ecclesiástico del Estado*, Madrid: Colex, 1997, 143-148; S. Gherro, *Lezioni di Diritto Ecclesiastico, I: nozioni storiche e parte generale, Diritto Canonico – Diritto Ecclesiastico*, CEDAM Padova, 2005; P. Hamburger, *Separation of Church and State*, Harvard University Press, 2004; G. Leziroli, *Relazioni Fra Chiesa Cattolica e Potere Politico*, G. Giappichelli Editore Torino, 1998; A. Martínez Blanco, *Derecho Ecclesiástico del Estado*, II, Madrid: Tecnos, 1993, 76-79; N. P. Miller, *The Religious Roots of the First Amendment: Dissenting Protestants and the Separation of Church and State*, Oxford University Press New York, 2012; D. A. McWhirter, *The Separation of Church and State*, Oryx Phoenix, 1994; F. Ruffini, *Relazioni tra Stato e Chiesa*, Il Mulino Bologna, 1974; S. Mückl, “Il collegamento tra il Diritto Canonico e il Diritto Ecclesiastico in Materia di Insegnamento,” in *Ius Ecclesiae*, Vol. XXX, N. 2, 2018, 473 – 494; M. Shaw, *International Law*, Cambridge – Seventh Edition, 2014; J. A. Wright, *Separation of Church and State: Historical guides to Controversial issues in America*, Greenwood Santa Barbara California, 2010. The Public Ecclesiastical Law is a regular subject taken by law students in both Pontifical and State Universities in Europe: “Por otra parte, el Área de **Derecho Ecclesiástico del Estado** imparte las siguientes materias de libre opción: *Minorías religiosas: problemática y marco jurídico; Política, Familia y Derecho; Bioderecho: perspectivas jurídicas, sociales y religiosas; Mediación y resolución de conflictos: la mediación familiar: principios, estrategias y dinámica del proceso de mediación; e Introducción al Derecho Canónico*” (M. E. Olmos Ortega, “Derecho Canónico y Formación del Jurista,” in *Ius Canonium*, XLV, n. 90, 2005, 624).

the Roman Pontiff enumerated and declared erroneous eighty schools of thought.<sup>32</sup> The *Syllabus Errorum* covered a wide area, including pantheism, rationalism, the Church and its rights, civil society and its relation to the Church, the temporal power of the Pope, modern liberalism, natural and Christian ethics, and Christian marriage.<sup>33</sup>

The errors concerning Christian marriage can be ascribed to the deformation of the concept of the Natural Law, i.e., the natural order that eventually resulted in the deformation of the true concept of man, marriage, and family and the proliferation of destructive ideologies haunting these institutions.

The Renaissance and the Reformation paved the way to the fast secularization of human society, especially in the Western world; such an environment was conducive for the formation of new theories on natural law based on free will and reason alone. The 17<sup>th</sup> century Dutch jurist Hugo Grotius, the father of international law, believed that humans, by nature, were not only reasonable but social as well. Thus, the rules that were “natural” to them - those dictated by reason alone - were those that enabled them to live in harmony with one another. The founder of the new School of Natural Law affirmed the existence of the natural law predictable by human reason and on which every positive law was grounded. He differed from the Stoic’s concept of natural law by the fact that he removed the divine constitutionality of natural law that guaranteed the order in the world of creation. He asserted that the norms dictated by reason were still valid “*etiamsi Deus non daretur*”<sup>34</sup> (as if God did not exist or He were not concerned with man’s affair). The removal of God and theology from the field of law eventually prepared the formation of modern independent States - free from any religious influence and interference - in the whole of Europe.

Grotius elaborated his war cry: “*etiamsi Deus non daretur*” during the Thirty Years War<sup>35</sup> to overcome the horrible religious conflict of fundamentalism that afflicted Christians in Europe. He was convinced that human reason was sufficient alone and was capable of distinguishing good and evil without any help from Divine Revelation; rather, any reference to such revelation as the cause of the conflict among the various Christian denominations should be avoided. This does not necessarily mean that Grotius arrived at the explicit denial of the existence of the objective nature of man; nevertheless, he diminished its essence through a reductive concept

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<sup>32</sup> Cf. Pius IX, *Syllabus*, 8 dec. 1864, in *Acta Ss. D.N. Pii PP. IX*, Romae: Typis Rev. Camerae Apostolicae, 1865.

<sup>33</sup> *Ibid.*, *Propositiones* 56 – 64, on the errors concerning Christian ethics and *propositiones* 65 – 74, on the erroneous teaching on Christian marriage.

<sup>34</sup> Cf. H. Grotius, *De iure belli ac pacis, Libri Tres, Classics of International Law*, n. 3 vol. I-III (1925), Prolegomena § 11 at 13.

<sup>35</sup> Cf. Historical notes from the Church of the Brethren network, in [http://www.cob-net.org/text/history\\_30yearwar.htm](http://www.cob-net.org/text/history_30yearwar.htm).

of reason. His concept of reason is grounded on some of the evident principles inherent to man and on some notions deduced through abstract reasoning. In this context, man is considered individually with his natural inclinations and his natural subjective rights, which the positive objective law must acknowledge, enact, and defend.

This theory of *rationalist Iusnaturalism*<sup>36</sup> (*iusnaturalismus*) has become the radical affirmation of innate and inalienable rights of men. There is an abrupt change of emphasis, i.e., from the objectivity of the natural right grounded on natural law, more stress is given to the subjectivity of natural right, from obligation to freedom, from the law as a norm of action to the law as a choice of action. This led to the absolutization of the subjective rights of individuals. Thus, “where nothing can be taken for granted, everything becomes possible, and nothing is impossible any longer. Now there is no value capable of sustaining man, and there are no inviolable norms. All that counts is the man’s ego and the present moment.”<sup>37</sup>

In the 19<sup>th</sup> century, a critical spirit molded in the School of Natural and Historical Law of the 16<sup>th</sup> century continued to dominate discussions on natural law. The existence of natural law was generally regarded as improvable, and it was largely replaced in legal theory by the utilitarianism of the English philosopher Jeremy Bentham (1748-1832). He invoked Helvetius’s phrase, “greatest happiness for the greatest number” as his general ethical principle.

The elaboration of various systems of thought widened the destructive gap between the classical legal tradition and the modern theories of natural law, depriving it of any metaphysical foundation. The person as an individual was placed in a high pedestal exalted by the «enlightenment theories». Human nature was then identified with reason itself capable of knowing and willing everything. That «free will» on the legislative plane has become the only force that could produce laws and rights. The new movement of thought resulted in the ideas of supranational law and legal positivism that consider law simply as “the command of the powerful.” The result is the antagonism between rationalism and positivism, universalism and particularism, individualism and nationalism. Thus, the affirmation of the supremacy

<sup>36</sup> There are different types of Iusnaturalism (*iusnaturalismus*): the rationalist and the theological Iusnaturalism. The former asserts that moral values must be discovered by solely human reason while the latter argues that moral values and rights must be discovered by human reason through the light of divine revelation. Cf. F. Todescan, *Le radici teologiche del giusnaturalismo laico. Il problema della secolarizzazione nel pensiero giuridico di Ugo Grozio*. Giuffrè Editore, Milano, 1983, pp. 122; Id., *Le radici teologiche del giusnaturalismo laico. Il problema della secolarizzazione nel pensiero giuridico di Jean Domat*. Giuffrè, Milano, 1987, pp. 86; Id., *Le radici teologiche del giusnaturalismo laico. Il problema della secolarizzazione nel pensiero giuridico di Samuel Pufendorf*. Giuffrè, Milano, 2001, 103.

<sup>37</sup> Cf. J. Ratzinger, *L’Europa di Benedetto nella crisi delle culture*, Libreria Editrice Vaticana e Edizioni Cantagalli, Siena, 2005, 62-65.

of the nation has resulted in a revolt against nature itself.<sup>38</sup> This is the consequence of the revolution in German schools of natural and historical law: the deformation of the true concept of human nature. Any interpretation of *humanum* without considering its constitutive principle that by itself is absolute tends to be destructive to the very nature of man himself: one of the variations of the nihilistic ideology.

### *Exaltation of Human Freedom and Reason*

Natural moral law and Christian ethics are connected to justice, freedom, and reason. The development and progress usually bring with them various propositions and ideologies that exalt freedom and reason regardless of religion.<sup>39</sup> Benedict XVI, in his Encyclical Letter *Spe salvi*, warns the faithful that progress, without doubt, offers new possibilities for good, but it also opens up appalling possibilities for evil—possibilities that formerly did not exist.

At the same time, two categories become increasingly central to the idea of progress: reason and freedom. Progress is primarily associated with the growing dominion of reason, and this reason is obviously considered to be a force of good and a force for good. Progress is the overcoming of all forms of dependency—it is progress towards perfect freedom. Likewise freedom is seen purely as a promise, in which man becomes more and more fully himself. In both concepts—freedom and reason—there is a political aspect. The kingdom of reason, in fact, is expected as the new condition of the human race once it has attained total freedom. The political conditions of such a kingdom of reason and freedom, however, appear at first sight somewhat ill defined. Reason and freedom seem to guarantee by themselves, by virtue of their intrinsic goodness, a new and perfect human community. The two key concepts of “reason” and “freedom,” however, were tacitly interpreted as being in conflict with the shackles of faith and of the Church as well as those of the political structures of the period. Both concepts therefore contain a revolutionary potential of enormous explosive force.<sup>40</sup>

From the 19<sup>th</sup> century onward, people continued to consider reason and freedom as the guiding stars to be followed along the path of progress.<sup>41</sup> When human reason is placed at the pedestal under the pretense of the right to self-determination as expression of the perfect freedom in view of progress, different revolutionary

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<sup>38</sup> Cf. O. Gierke, *Natural Law and the Theory of Society: 1500 to 1800*. trans. E. Barker, Lawbook Exchange Ltd., New Jersey, 2001, 11.

<sup>39</sup> Cf. Pope Pius IX already condemned this thesis as erroneous in the *Syllabus Errorum*, *op. cit.*, *propositio* 18. See also T. Pröpfer, *Vangelo, Ragione, Libertà – Lineamenti di un’ermeneutica teologica*, EDB Bologna 2008, 407pp.

<sup>40</sup> Benedict XVI, Encyclical Letter ‘*Spe salvi*’ n. 18, 30 November 2007, in AAS 199 (2007) 1101 – 1102.

<sup>41</sup> Cf. *Ibid.*, n. 20, 1002 – 1103.

ideologies are triggered off. They are systematically destined for massive destruction of sound principles. The ‘*anthropological reduction*,’ together with the ‘*technological Promethanism*,’ is the outset of the exaltation of reason and freedom; it disregards the *Creator* insofar as reason has replaced *His* position.<sup>42</sup> The consequence of this kind of exaltation is the *absolutization* of man, i.e., man is no longer bound to obey the natural law and the law set by the Creator inscribed in his *esse*. As he considers himself lord of his action and destiny, what is technologically viable becomes morally licit for his self-determined realization.

Thus, the second cause for the deformation of the true concept of man, marriage, and family is the abuse of the power entrusted to man (reason = freedom); it is efficiently executed in a legal term as the assertion of the subjective right at the expense of the objective law through legal positivism.<sup>43</sup>

In this view, marriage is considered not as a natural institution but as an invention of a creative and free human mind, as such marriage can be radically and structurally modified depending on how it serves man’s hedonistic choices. In fact, the legal recognition of homosexual marriages in the Western World is a legal outset of the assertion of self-determination as fundamental right constitutionally guaranteed. Marriage, viewed in this perspective, is no longer a social institution based on the natural order but it becomes a ‘*pure relationship*’<sup>44</sup> that is to endure as long as the partners derive advantages from the alliance that justifies its continuity; it’s a ‘*do ut des*,’ i.e., give and take relationship. The ‘*divorce mentality*’ that considers marriage as a mere contract which can be rescinded at the will of the parties<sup>45</sup> and the homosexual union as relationship commendable of legal recognition are expressions of these ideologies. The conjugal bond ceases to become a public good based on the objective right (*ius connubii*) but systematically and legally becomes a ‘*private*

<sup>42</sup> Cf. Id., in AAS 105 (2013) 166.

<sup>43</sup> J. Herranz, “The Dignity or the Human Person and Law Fundamental Rights in Classical Culture” in Aa. Vv., *The Nature and Dignity of the Human Persons as the Foundation of the Right to Life. The Challenges of the Contemporary Cultural Context – Proceedings of the VIII Assembly of the Pontifical Academy for Life*, edited by Correa, Juan De Djos and Sgreccia, Elio, Libreria Editrice Vaticana 2003, 11 – 20; especially the first paragraph in page 13.

<sup>44</sup> “A situation in which a relationship is formed by virtue of the advantages that each of the partners may derive from the continued relationship with the other. A pure relationship is kept stable so long as both partners consider they are deriving sufficient benefits from it to justify its continuation” (A. Giddens, *La trasformazione dell’intimità-sessualità, amore e matrimonio nelle società moderne*, Bologna Il Mulino, 1995, 68).

<sup>45</sup> Like the Divorce Bills introduced at the House of Representatives in the Philippine Congress, viz., House Bill 2380 amending the Family Code of the Philippines and including ‘Divorce’ in its provisions proposed by the Gabriela Woman’s Party and the House Bill 6027 of the former House Speaker Pantaleon Alvares introducing purely subjective and arbitrary grounds for the ‘dissolution of marriage’ (cf. The Website of the House of Representatives at <https://www.congress.gov.ph/legisdocs/?v=bills>).

and subjective' reality that civil institutions must simply register, e.g., *Pacte Civil de Solidarité* in France (1999); *Registered Partnership* in Austria (2010), in Czech Republic (2006), in Hungary (2009), in Switzerland 2001; *Registered Cohabitation* in Iceland 2006, *Cohabitation Agreement* in Estonia 2016, *Registered Life Partnership* in Germany (2001).<sup>46</sup>

In contrast, the Sacrament of Marriage is a public ecclesial good; it is never a purely private and a merely human relationship because it has a content of its own that takes precedence over the free self-determination of the spouses (cf. GS, 48).

Likewise, the exaltation of reason = freedom at the expense of the very human nature of man understood as male and female has the effect of reducing sexuality into an inferior function that is separated from the human person; everything is secondary, what matters most is the whole truth about his acquired freedom. If reason and freedom alone determine the functions of human nature, marriage is to lose its very foundation and purpose, and eventually, it is destructive to the human institution of the family.

It is totally a distortion of the anthropological nature of marriage; the very human nature of man and woman that constitutes the *raison d'être* of the conjugal institution is replaced by the 'freedom of self-determination,' i.e., of one's own gender: *no longer by birth but by choice*. This leads to anthropological reduction forewarned by Pope Emeritus: human beings are reduced to autonomous functions: the mind to the brain, human history to a destiny of self-realization.

Moreover, the crisis of marriage and family is due to the misinterpretation of the conjugal anthropology. First, the true concept of conjugal anthropology consists of the '*Freedom of Truth*,' i.e., the humble acceptance on the part of man and woman that there is a Truth that does not depend on human freedom because it is anterior and above it, on which they are dependent and must abide with to assure the *continuum* of the '*order of humanity*.' Second, the distortion of this kind of freedom is the '*Emancipation from the Truth*' seen as an imposition, like the anthropological, philosophical, natural, supernatural, divine truth on marriage. In the latter case, man discovers the '*truth*' about himself, and this empowers him to make choices, modifications, and execute them in accord with what seems to satisfy him; it has something to do with the '*dictatorship of relativism*' that Cardinal Ratzinger has already warned us about a long time ago.

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<sup>46</sup> Similar to these is the proposed House Bill 6596 to the Philippine Congress authored by the former House Speaker Pantaleon Alvarez that seeks to recognize '*Civil Partnership*' of same-sex couples and homosexual couples that are grounded in merely subjective rights without basis on the objective *ius* (cf. *Ibid.*).

This kind of conjugal anthropological emancipated truth reduces marriage and family to the choices of individuals and society; these institutions face the following dangers that eventually ruin marriage itself and the human family.

First danger: *Objectification and Depersonalization of the Body Separated from Sexuality*

When sexuality is seen as a subsidiary to the person and not as an integral part of his identity and humanity, the person is no longer identified with his sexuality; it eventually excludes the corporeity of the human person. The body becomes an object separated from sexuality. Sexuality is now determined not by the *humanum* but by the creative emancipated freedom of self-determination.<sup>47</sup> “*I can do what I want with this body. I can even change my sexual identity; it depends only on me. If I use someone else’s body, all I need is his consent.*” In the light of this exclusion, the diversity of the sexes and procreation as the consequence of their union would belong to the biological, and not to the peculiarly human dimension of the human person: it follows, therefore, that artificial procreative procedures may legitimately replace procreation; the homosexual ‘conjugal’ community may legitimately replace the natural conjugal community founded on the diversity of the sexes. Consequently, heterosexuality is no longer considered as the only natural manner of the exercise of sexuality but homosexuality enjoys the same dignity and deserves the same legal recognition: transgender equality, sexual reassignment *et cetera*.

Second danger: *Absolutization of Sexuality – ‘Eros Deprived of the Gift of Love and Life’*

When *eros* is separated from love, pure sexuality prevails that reduces man into an individual deprived of freedom complaisantly yielding to his sexual instinct and impulse. The gap between sexuality and personality leads to the absolutization of sexuality; its exercise eventually excludes the conjugal exercise of sexuality, i.e., as an expression of the gift of oneself to another that is open to life.

It is a *de-responsibilization* of sexuality that legitimizes the hedonistic ideologies. It has decapitated the human reason and deprived sexuality of any reference to the truth of the gift of life and love. All that remains is the erotic dimension as the ruling dimension, excluding systematically sexuality from marriage considered as either good or bad.<sup>48</sup> It thereby separates marriage from family; insofar as sexuality is an individual exercise, the biological fact of the procreative obligation inherent in human sexuality is consciously and, at times, technologically and routinely rejected.

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<sup>47</sup> Cf. C. Caffarra, *op. cit.* 160.

<sup>48</sup> Cf. *Ibid.*

Third danger: *Radical Split Between the Unitive and Procreative Functions of Marriage*

In this case, the conjugal union is no longer ordered concomitantly to the good of the spouses (*unitive*) and generation of offspring (*procreative*) but *aut aut* depending on one's choice.<sup>49</sup> Thus each may function regardless and independently of the other as long as in accord with one's desire and self-determination. Conjugal love is no longer directed to the gift of life because of the possibility to have an exercise of conjugal act and love that deliberately excluded the conception of life, and the fact that man can 'generate' another life without the exercise of true conjugal love but only by choice and money. This is a destructive ideology that systematically destroys the natural concept of maternity and paternity.

In fact, the use of contraceptives excludes the generation of children, although with the exercise of conjugal love. Likewise, the recourse to artificial procreation has initially been a remedy for incurable sterility within a legitimate couple. Its use was gradually extended to the extent of becoming a subjective but not an objective right of those who wanted 'child' by hook or by crook. This is precisely the logic of 'dominion' over nature for the satisfaction of one's own desires. These contradictions, i.e., the unitive function that excludes the procreative function and the artificial procreation that precludes the unitive function, are seen as an acknowledgment of the freedom to decide for one's own body: contraceptive, abortion, surrogation, *et cetera*.

"If marriage is a legitimate union of man and woman for the gift of life, the separation of the gift of life from the union of man and woman and from human sexuality has destroyed the nature of marriage and family."<sup>50</sup> Therefore: it is possible to have a relationship of hedonistic character; it is possible to have a homosexual relationship that has the same value as the conjugal one; sexuality, love, and procreation are disconnected. In other words: each link between marriage and family that is not a purely *de facto* bond is simply rejected or stripped of its real significance. The nature of marriage and the family and the intimate link between them has been interrupted and is under attack.

Pope Francis affirms that there is a big enemy of marriage to date: "At present, there is an on-going '*World War to destroy Marriage.*' Presently, there is the colonization of ideologies that destroy, not with weapons but with ideologies. Thus, we have to defend ourselves against this ideological colonization."<sup>51</sup>

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<sup>49</sup> Cf. *Ibid.*, 161.

<sup>50</sup> *Ibid.*

<sup>51</sup> Francis, "In defense of Matrimony: There is an on-going Ideological World War against it!" in *L'Osservatore Romano* Year 156 n. 227, 3 - 4 October 2016, 6. The emphasis is by the author.

### *Re-interpretation of the Concept of Natural Law*

The only way to recover the genuine concept of natural law is to re-interpret it according to the framework set up by the School of Neo-Scholasticism.<sup>52</sup> It considers the concept of Natural law as an effective rational instrument in constructing the foundation of moral law and the ethical principles of the social doctrine of the Church. Moreover, it can be an instrument in launching a fruitful dialogue with the post-modern cultural trends.<sup>53</sup>

The two-edged language used by Catholic moral scholars in these past two centuries is useful for communicating to peoples of different moral, social, and political beliefs. The metaphysical concept of natural law discerned by reason in the light of Christian revelation is bound to penetrate and gather consensus. This is so because the ontological parlance allows this school to establish a dialogue with those who do not rely on the “supernatural help” in stating their judgment and with whom it would be difficult to reason out on the theological perspective.<sup>54</sup> With these individuals, the point of departure for every discussion on natural law presupposes a well-defined concept of man:<sup>55</sup> his nature and dignity as a human person – a starting point where

<sup>52</sup> Cf. J. Hervada, *Introduzione critica al diritto naturale*, Giuffrè Editore, Milano, 1990, 203pp; R. Pizzorni, *La “lex aeternae” come fondamento ultimo del diritto secondo S. Tommaso*. Univ. Lateranensis, Roma, 1961, 54pp; J. Leclercq, *Leçons de droit naturel. I. Le fondement du droit e de la société*. Namur-Louvain, 1933, 462pp; S. Solinas, *Il diritto naturale secondo Giovanni Duns Scoto – excerptum theos ad doctoratum in iure civili*. PUL, Roma, 2000, 101pp.

<sup>53</sup> Cf. John Paul II, “Discorso ai partecipanti della Plenaria della Congregazione per la Dottrina della Fede,” February 6, 2004, n. 5 in AAS 96 (2004), 399 - 402: “Sulla base di tale legge si può costruire una piattaforma di valori condivisi, intorno ai quali sviluppare un dialogo costruttivo con tutti gli uomini di buona volontà e, più in generale, con la società secolare.” See also Id., “Discorso ai partecipanti della Plenaria della Congregazione della Dottrina della Fede,” 18 ian. 2002, n. 3 in AAS 94 (2002) 335-336: “La legge naturale è la partecipazione della creatura razionale alla legge eterna di Dio. La sua individuazione, mentre da una parte crea un legame fondamentale con la legge nuova dello Spirito di vita in Cristo Gesù, permette anche un’ampia base di dialogo con persone di altro orientamento o formazione, in vista della ricerca del bene comune. In un momento così trepido per la sorte di tante nazioni, comunità e persone, soprattutto le più deboli, in tutto il mondo, non posso che rallegrarmi per lo studio intrapreso, allo scopo di riscoprire il valore di tale dottrina, anche in vista delle sfide che attendono i legislatori cristiani nel loro dovere di difesa della dignità e dei diritti dell’uomo.” Z. Grocholewski, “La Legge Naturale,” 31: “Infatti, la legge naturale – insita nel cuore degli uomini – appartiene al grande patrimonio della sapienza umana, ma nello stesso tempo è oggetto dell’insegnamento della Chiesa, in quanto, pur essendo una verità di ordine naturale, è stata illuminata dalla luce della Rivelazione. Essa, di conseguenza, offre il fondamento naturale, che permette al credente la possibilità di dialogare anche con le persone di altro orientamento e di altra formazione.”

<sup>54</sup> “Per la Chiesa il diritto naturale insito nella stessa creatura umana, è stato il mezzo per poter dialogare con quanti non condividevano la fede” (J. RATZINGER – Galli della Loggia, “Dialogo del Card. Ratzinger con il Prof. Galli della Loggia, in *Atti del Convegno su Storia, Politica e Religione*, Quaderno n.7, Roma, 2004, 16).

<sup>55</sup> As it was understood in the Classical Philosophy, i.e., “la costituzione ontologica dell’uomo nelle sue facoltà intellettuali e volitive non meno che nella sua struttura corporea. Una possibilità di essere che trova nella sua natura razionale la misura del suo agire, la norma della sua autentica realizzazione” (A. Martini, “Il Diritto nella realtà umana,” in Aa. Vv., *Il Diritto nel mistero della Chiesa*. PUL, Roma, 1988, 17).

all tend to agree, and all seem to converge. On the other side, the additional input on Revelation is to gather together people with a common faith in God as Creator to start the discussion on natural law putting the centrality of the person of Jesus Christ and the concreteness of the human person as realities that no Christian of good faith is to deny.<sup>56</sup> Both languages are to be the basis for understanding the real nature of man not only in the intellectual level but in his “being and becoming” in conformity with the precepts of the natural moral law.

*From Grotius's «etiamsi Deus non daretur» to Ratzinger's «veluti si Deus daretur»*

In the book written before his election to the Papacy, *The Christianity and the Crisis of Cultures*, Cardinal Ratzinger addresses the *crisis of culture* that rampantly immerses not only Europe but also the whole of the Western World. The damaging results of this cultural crisis are the worse threats to the security of man as individual and as a member of human society, the increasing poverty not only in material but in cultural aspects as well, the dangers of genetic engineering and the systematic moral decadence.

The Judeo-Christian roots and foundation of Continental Europe are being replaced by “modern enlightenment philosophy.”<sup>57</sup> The modern philosophical movements recognize only what can be mathematically or scientifically proven, and deny any metaphysical proposition of reality. The refusal to recognize the existence of God and the objectivity of the Revealed Truth leads to consider morality as a relative concept. The *dictatorship of relativism* leads to a *confused ideology of freedom that leads to dogmatism* and, ultimately, to the *destruction of freedom itself*.

Cognizant of the threatening and serious problems of the nihilistic secularism that pervades Europe and the Western World, Ratzinger proposes a solution that has nothing to do with politics but with a spiritual renewal based on the powerful example in history of St. Benedict of Nursia and the amazing cultural impact that the Benedictine Order had on a similarly declining Europe in the Middle Ages.

In view of this spiritual renewal, Ratzinger invites men of goodwill, clergy, and laypeople to reflect upon the origin of man and once again to freely embark on

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<sup>56</sup> Cf. John Paul II, Encyc. *Fides et ratio*, September 14, 1998, n. 4 in AAS 91 (1999) 5-88; Grochowski, “La Legge Naturale,” 37: “Oggi si presenta la nuova necessità di cercare una convergenza al livello della legge naturale con le altre confessioni, religioni e culture, ma ciò può avvenire solo a condizione che da parte di tutti sia condivisa e rispettata quella che gli antichi chiamavano la *recta ratio*, *orthòs logos*, secondo quanto ha postulato Giovanni Paolo II nella *Fides et ratio*.”

<sup>57</sup> Cf. *The Common Christian Roots of the European Nations. An International Colloquium in the Vatican*, sponsored by the Pontifical Lateran University and the Catholic University of Lublin, Le Monnier, Florence, 1982, vol 1: *General Sessions*, 53-215 and vol. 2: *Written Contributions*, 101-172; 1123-1297.

the road that leads to a better understanding of man, made not in his own image but in God's likeness. Man of the post-modern age should heed Pascal's challenge: to pay attention to those who claim to have *seen* and experienced the Living God and begin to live "as if God existed."

Ratzinger's invitation also includes the renewal of the concept of natural law by inverting the famous slogan of Grotius, from *etiamsi Deus non daretur* to *veluti si Deus daretur*.<sup>58</sup> Unlike Grotius's *etiamsi Deus non daretur* that was addressed to his contemporary believers, the *veluti si Deus daretur* of Ratzinger is addressed to those who no longer believe in God and especially to the atheists. The German Cardinal who succeeded to the throne of Peter is inviting them to confront the present moral problems besetting man by accepting the hypothesis of the existence of God.

In extending his invitation, especially to those who do not accept a "supernatural help" in their personal investigation, Ratzinger uses the medium of communication typical of Neo-Scholasticism. He appeals to the non-believers as rational thinkers who would like to restore life to the idea that natural law, as accepted by any responsible individual capable of acknowledging it, is a valid precept without the necessity of imposition from an external authority. Again, the Prelate does not demand non-believers to embrace the Catholic faith nor to practice Christian morality, but he invites them to re-examine their moral convictions under the possibility of the existence of a supreme-divine being.<sup>59</sup>

By inviting non-believers to consider the possibility of the existence of divine authority, the Cardinal hopes that western culture may be awakened from its agnostic and cynical slumber and widen the horizon of its perspective. If until now many discard the possibility of seeing and feeling God's existence by limiting their philosophical inquiry in the realms of pure reason and, thus, depriving the science itself of its transcendental dimension, the time has come for a more mature reflection without excluding even the possibility of being attracted to it. '*Apertura, quindi!*' Openness, therefore! This is essential to the correct understanding of natural moral law. In fact, from the ancient thinkers to the Scholastics, the concept of natural law is far from imposing on nobody an unacceptable norm of law; instead it seeks to provide every possible criterion that reason can conceive in order to form a person "capable of clearly discerning in his conscience the fundamental dictates

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<sup>58</sup> J. Ratzinger, *L'Europa di Benedetto*, 29-65; Benedict XVI, *Discorso alla Pontificia Univesitas Lateranensis*, (October 21, 2006) in The Vatican Website at <https://goo.gl/AQ3naf>; Id., Allocutio, "St. Benedict on the Christian roots and identity of Europe," *General Audience* (April 9, 2008) in <https://goo.gl/5Jo7uF>.

<sup>59</sup> Cf. Id., *Conference of Cardinal Ratzinger on Europe's Crisis of Culture given at Subiaco* (July 25, 2005) in <http://www.zenit.org/article-13705?l=english>.

of this law, that prompts him to do good and to avoid evil.”<sup>60</sup> An approach of this kind is an appreciation of man’s rational capacity and recognition of his personal responsibility. It should be noted that accepting the possibility of God’s existence does not diminish human nature’s capacity nor curtail man’s freedom and personal determination; rather he is to be placed on another level without depriving him of any attributes: human and divine.<sup>61</sup> Once again, Ratzinger does not expect non-believers to embrace the belief in the Christian dignity of *divine filiation* in contraposition with his natural dignity as a human person; he invites them to consider the possibility of not depriving themselves even only in the intellectual level of the prospect of divine predilection.<sup>62</sup> After all, there is no harm in trying to live and act *veluti si Deus daretur*. In the last analysis, the Pope Emeritus’ renewed perspective will eventually lead not only to spiritual progress but also toward a new and more profound aspect of *authentic humanism*.<sup>63</sup>

Once more, the Emeritus Roman Pontiff reiterates his invitation reminding everyone that “to live in the world *veluti si Deus daretur* brings with it the assumption

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<sup>60</sup> Pontifical Academy for Life, *Concluding remarks for the 8th General Assembly of Pontifical Academy for Life*. n. 3, February 25-27, 2002, in *The Vatican Website* at [http://www.vatican.va/roman\\_curia/pontifical\\_academies/acdlife/documents/rc\\_pa\\_acdlife\\_doc\\_20020227\\_final-doc\\_en.html](http://www.vatican.va/roman_curia/pontifical_academies/acdlife/documents/rc_pa_acdlife_doc_20020227_final-doc_en.html); Cf. *Gaudium et spes* 16.

<sup>61</sup> Cf. Benedict XVI, *Allocutio, Meeting with the European university students*, January 23, 2007, in AAS 99 (2007) 705: “The anthropocentrism which characterizes modernity can never be detached from an acknowledgment of the full truth about man, which includes his transcendent vocation.”

<sup>62</sup>Cf. Id., “Umanesimo senza futuro se la ragione esclude Dio,” *Discorso Parigi al mondo della Cultura*, (September 12, 2008), in <http://www.avvenireonline.it/NR/exeres/4A845B71-A831-4DD0-B205-CD0AED07E7DC.htm>: “Una cultura mera-mente positivista che rimuovesse nel campo soggettivo come non scientifica la domanda circa Dio, sarebbe la capitolazione della ragione, la rinuncia alle sue possibilità più alte e quindi un tracollo dell’umanesimo, le cui conseguenze non potrebbero essere che gravi. Ciò che ha fondato la cultura dell’Europa, la ricerca di Dio e la disponibilità ad ascoltarLo, rimane anche oggi il fondamento di ogni vera cultura.” S. Pinckaers, *The Sources of Christian Ethics*. Trans. M.T. Noble, T & T Clark, Edinburg, 3<sup>rd</sup> ed., 2001, 297: “In the light of faith and Christian experience, natural law will be affirmed, strengthened, deepened, and better understood. It will enjoy and exact, supple and faithful harmony with the action of grace in the human person and will continue to provide a basis for mutual understanding and collaboration with those who do not share the same faith.”

<sup>63</sup> Cf. Benedict XVI, *Allocutio, Meeting with the European university*, in AAS 99 (2007) 706: “A third issue needing to be investigated concerns the nature of the contribution which Christianity can make to the humanism of the future. The question of man, and thus of modernity, challenges the Church to devise effective ways of proclaiming to contemporary cultures the “realism” of her faith in the saving work of Christ. Christianity must not be relegated to the world of myth and emotion, but respected for its claim to shed light on the truth about man, to be able to transform men and women spiritually, and thus to enable them to carry out their vocation in history.” Id., *Allocutio*, “It is Sacred Scripture that offers us the guide for education and thus of true humanism” *General Audience* (November 14, 2007) in *The Vatican Website* at <https://goo.gl/6LcJDK>; Z. Grochowski, “La Legge Naturale,” 51: “La legge naturale, nella dottrina della Chiesa, costituisce poi la verità basilare di quell’umanesimo cristiano, di cui la comunità dei credenti sempre si è fatta ricercatrice e promotrice.” A. Trabucchi, *Istituzioni di Diritto Civile*. CEDAM, Padova, 34<sup>th</sup> ed., 1993, 11: “Il richiamo a principi di giustizia naturale, che un tempo sarebbe stato giudicato imperdonabile ritorno al passato, si impose come chiara esigenza di civiltà ai giuristi più attenti alla loro professione sociale; e la riscoperta di un diritto naturale, come aspetto di un nuovo umanesimo, costituì pertanto un progresso spirituale, affermato a costo delle più amare delusioni per chi aveva creduto soltanto nel diritto dello Stato.”

of a responsibility that knows how to be concerned with investigating every feasible route in order to come as near as possible to him who is the goal towards which everything tends (cf. I Cor 15: 24).<sup>64</sup>

## Conclusion

If the human nature of every man – male and female - is under attack, the natural institutions of marriage and family eventually will suffer the destructive impact of the systematic annihilation of human dignity imposed by the utilitarian, hedonistic, libertarian, and nihilistic ideologies that have already been effectively introduced in Western countries and is being introduced in the Philippines by those politicking for abortion, divorce, same-sex marriage, *et cetera*.<sup>65</sup> In the Philippines, although very few, these persons are very noisy, lobbying for these ideologies contrary to the nature of man, marriage, and family.<sup>66</sup> We should oppose the ‘*dictatorship of the minority*,’<sup>67</sup> especially if the content of its proposal is detrimental to the nature of man and the fullness of his self-realization in accord with the new economy of salvation. We should follow the example of the Pope Emeritus in “coherence with himself and with the tradition of the Church;”<sup>68</sup> in his constancy in “the reaffirmation

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<sup>64</sup> Benedict XVI, *Discorso alla Pontificia Universitas Lateranensis*, (October 21, 2006), in The Vatican Website at <https://goo.gl/mJ7wdA>.

<sup>65</sup> Cf. Id., *Allocutio, Recurrente Universali XLVI Die precationi pro pace dicato*, 8 dic. 2012, in AAS 105 (2013) 63 – 72, specifically the number 4 (pages 66-67) on abortion, euthanasia, divorce, and same sex marriages.

<sup>66</sup> Cf. Id., *Allocutio, Ad Legatos Pontificios in America Latina*, 17 feb. 2007, in AAS 99 (2007) 249: “Un’attenzione prioritaria merita proprio la famiglia, che mostra segni di cedimento sotto le pressioni di lobbies capaci di incidere negativamente sui processi legislativi. Divorzi e unioni libere sono in aumento, mentre l’adulterio è guardato con ingiustificabile tolleranza. Occorre ribadire che il matrimonio e la famiglia hanno il loro fondamento nel nucleo più intimo della verità sull’uomo e sul suo destino; solo sulla roccia dell’amore coniugale, fedele e stabile, tra un uomo e una donna si può edificare una comunità degna dell’essere umano.”

<sup>67</sup> Cf. F. Weltner, *The Enslavement of Mankind*, 2003 at <https://goo.gl/KcbGcA>, retrieved on 30 August 2018; N. N. Taleb, *The Most Intolerant Wins: The Dictatorship of the Small Minority*, 14 August 2016 at Incerto <https://goo.gl/UWx6M8>, retrieved on 30 August 2018.

<sup>68</sup> Cf. Benedict XVI Pp, *Allocutio, Inauguratio Anni Academici apud Studiorum Universitatem a Sacro Corde*, 25 nov. 2005, in AAS 97 (2005) 1036; Id., *Allocutio, Ad sodales Commissionis Theologicae Internationalis*, 1 dic. 2005, in AAS 97 (2005) 1041; Id., *Allocutio, Ad Romanam Curiam ob omina natalicia*, AAS 98 (2006) 40-53, especially on page 50: “In questo processo di novità nella continuità dovevamo imparare a capire più concretamente di prima che le decisioni della Chiesa riguardanti cose contingenti...”; Id., *Allocutio, Ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis*, 27 ian. 2007, AAS 99 (2007) 87: “Gli effetti pratici di quella che ho chiamato «ermeneutica della discontinuità e della rottura» circa l’insegnamento del Concilio Vaticano II si avvertono in modo particolarmente intenso nell’ambito del matrimonio e della famiglia.”; Id., *Allocutio, Ad curiones clericosque Dioecesis Romanae*, 14 feb. 2013, AAS 105 (2012) 283-294.

of Christian moral values,<sup>69</sup> in his firm ‘no’ to the “dictatorship of relativism;”<sup>70</sup> in his steadfastness to the “non-negotiable principles;”<sup>71</sup> and in his “refusal to yield to the easy and passing trends and to the strong pressure of the dominating cultures.”<sup>72</sup>

First, as citizens of a Christian country like the Philippines and as *Christifideles* in the world at large, especially as agents of the New Evangelization primarily being overseas workers, we must defend the dignity of the person, the sanctity of marriage and family. We should not be indifferent but become convinced Catholic citizens

<sup>69</sup> Cf. Congregation of Doctrine of Faith, *On the Participation of Catholics in Political Life – Doctrinal Note*, Catholic Truth Society, 2003, 20; The Vatican Website at <https://goo.gl/omU6zK>, retrieved on 29 August 2018 at 10:38 pm; Benedict XVI, Allocutio, *Ad participes Conferentiae Internationalis de argumento: «Peace and Tolerance — Dialogue and Understanding in South East Europe, the Caucasus and Central Asia»*, 4 nov. 2005 in AAS 97 (2005) 1047; Benedict XVI, Allocutio, *Ad XXXIV Sessionem Instituti Nationum Unitarum Alimoniae et Agriculturae provehendae* (FAO), 22 nov. 2007, AAS 99 (2007) 1058: “It requires the contribution of every member of society — individuals, volunteer organizations, businesses, and local and national governments — always with due regard for those ethical and moral principles which are the common patrimony of all people and the foundation of all social life.”

<sup>70</sup> Cf. Ratzinger, Joseph Card., Homily: “*Mass Pro Eligendo Romano Pontifice*” at the Saint Peter’s Basilica at the Vatican City on April 18 2005, in the Vatican Website at <https://goo.gl/52247N>: “Today, having a clear faith based on the Creed of the Church is often labeled as fundamentalism. Whereas relativism, that is, letting oneself be “tossed here and there, carried about by every wind of doctrine,” seems the only attitude that can cope with modern times. We are building a dictatorship of relativism that does not recognize anything as definitive and whose ultimate goal consists solely of one’s own ego and desires.” See also: J. M. Perl, *A Dictatorship of Relativism? Symposium in Response to Cardinal Ratzinger’s Last Homily*, Duke University Press NC, 2007, pp. 356; P. Ivaneký, “La critica di Benedetto XVI al relativismo odierno” in *Teología y vida*, Teol. vida **vol.55 no.1 Santiago Mar. 2014 at** <http://dx.doi.org/10.4067/S0049-34492014000100008> or print vesion ISSN 0049-3449; Benedict XVI, *Prolato sermone, Summus Pontifex respondit ad quaesita Episcoporum*, 16 apr. 2008, in AAS 100 (2008), 316; Id., *Light of the World: The Pope, The Church, and The Signs of The Times. A Conversation with Peter Seewald* (San Francisco: Ignatius Press, 2010), 50-54. “*Ciò che essa ha individuato come valori fondamentali, costitutivi e non negoziabili dell’esistenza umana, lo deve difendere con la massima chiarezza. Deve fare tutto il possibile per creare una convinzione che poi possa tradursi in azione politica.*” (Id., Allocutio, *Dum Summus Pontifex Natalicia Omina Romanae Curiae offert*, 21 dic. 2012, AAS 105 (2013) 51 – 52).

<sup>71</sup> Cf. Id., Allocutio, *Ad Congressum a «Populari Europae Factione» provectum*, 30 martii 2006, in AAS 98 (2006) 345: “As far as the Catholic Church is concerned, the principal focus of her interventions in the public arena is the protection and promotion of the dignity of the person, and she is thereby consciously drawing particular attention to principles which are not negotiable. Among these the following emerge clearly today: — protection of life in all its stages, from the first moment of conception until natural death; — recognition and promotion of the natural structure of the family – as a union between a man and a woman based on marriage – and its defense from attempts to make it juridically equivalent to radically different forms of union which in reality harm it and contribute to its destabilization, obscuring its particular character and its irreplaceable social role; — the protection of the right of parents to educate their children.”

<sup>72</sup> Cf. Id., Allocutio, *Ad XX Coetum Internationalem promotum a Pontificio Consilio pro Valetudinis Administris*, 19 nov. 2005, in AAS 97 (2005) 1027 – 1032; Id., Allocutio, *In inauguratione Congressus Romanae Dioecesis*, 11 iun. 2007, in AAS 99 (2007) 680 and 685; Id., Homilia, *In Sollemnitae Assumptionis Beatae Mariae Virginis*, 15 aug. 2007, AAS 99 (2007) 800; Id., Allocutio, *Ad Plenariam Sessionem Pontificii Consilii de Cultura*, 8 mar. 2008, in AAS 100 (2008) 247; Id., Allocutio, *Ad Pontificium Institutum «Ioannes Paulus II»*, *studia promovens de matrimonio et familia*, 2 apr. 2008, in AAS 100 (2008) 272; Id., *Allocutiones*, Apostolic Visit to the United States of America, National Park Stadium et cetera, 17 apr. 2008, in AAS 100 (2008) 287; 300; 307; 314-315; 324; 337 and 341-342.

of our beloved nation and the world to defend any attempt to destroy Marriage and Family. After Ireland and Malta, which are deeply Christian nations which approved the legalization of divorce in 1996 and 2011, respectively, the Filipino Catholic nation is the last bulwark and holdout of the true and authentic Church magisterial teaching on Marriage and Family thanks to the convinced Catholic legislators. If the institutions of marriage and family are under attack and the World War against Marriage is on-going, we, therefore, as the Filipino Nation must not only defend but likewise wage war against the colonization of ideologies of our beloved country; reject any collaboration with those institutions which propose ideologies contrary to the Christian Anthropology.<sup>73</sup>

*Second*, as clergy, let us uphold the *continuum* of Christian and Catholic tradition. Yes, we can, as ordained ministers, through a renewed manner of preaching the authentic concept of man, marriage, and family in accord with the natural law, divine law, and Church magisterium. Of course, a renewed manner of preaching entails an on-going update that is not a choice but an obligation for the good of the faithful entrusted to our pastoral care.

*Third*, as committed Christian educators, enriched and renewed with fervor and sufficient knowledge, we can be *salt of the earth* and *light of the world* who lead our faithful to an earnest Christian discernment in view of authentic humanism.

## Recommendation from the Pope Emeritus

### *Christian Discernment*

“Faith and healthy Christian discernment lead us, therefore, to pay prophetic attention to this ethical problem and to the mentality underlying it. The proper collaboration with international bodies in the areas of human development and promotion should not close our eyes to these dangerous ideologies. The pastors of the Church [ ... ] have the duty of warning faithful Catholics, as well as every person of good will and right reason, against these tendencies.”<sup>74</sup>

### *Active Vigilance*

It is, in fact, a negative tendency for humanity, even if disguised with good intentions, as a teaching of alleged progress, or alleged rights, or an alleged humanism. In the face of this anthropological reduction, what duty falls to each Christian who

<sup>73</sup> Cf. A. Scola, “Antropologia Cristiana” in Aa. Vv., *Conceptualization of Person in Social Sciences: Proceedings of the XI Plenary Session of the Pontifical of Social Sciences*, edited by Malinvaud, Edmond and Glendon Mary Anne, Vatican City 2006, 7 – 24. See also R. Minnerath, “Un premier essai d’anthropologie chrétienne: Tertullien”, *op. cit.* 33-43; R. Buttiglione, “The Anthropology of Karol Wojtyła Has Two Main Features”, *op. cit.* 44-53.

<sup>74</sup> Benedict XVI, Address to the participants in the plenary meeting of the Pontifical Council “*Cor Unum*”, *op. cit.*, 166-167.

is in a direct relationship with many other social actors? Indeed we must exercise a critical vigilance and at times, refuse funding and collaborations that, directly or indirectly, favor actions or projects that are contrary to Christian anthropology.<sup>75</sup>

### *Authentic Humanism*

“Positively, however, the Church is always committed to promoting humanity according to God’s plan, in its full dignity, with respect to both its vertical and horizontal dimensions. This is also what ecclesial organizations tend to develop. The Christian vision of humanity, in fact, is a great ‘yes’ to the dignity of the person, who is called to intimate communion with God, a filial, humble, and confident communion. The human being is neither an isolated individual nor an anonymous member of a collectivity but rather an individual and unrepeatable person, intrinsically ordered to relationship and socialness. The Church, therefore, reaffirms her great ‘yes’ to the dignity and beauty of marriage as the expression of a faithful and fruitful covenant between a man and a woman, and her ‘no’ to gender philosophies, because the reciprocity between male and female is an expression of the beauty of nature willed by the Creator.”<sup>76</sup> **PS**

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\_\_\_\_\_, Encyclical letter *Spe salvi*, 30 nov. 2007, in AAS 99 (2007) n. 18, 985 – 1027.

<sup>75</sup> *Ibid.*, 167.

<sup>76</sup> *Ibid.*

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